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ANTIQUÆ

CONSTITUTIONES Regni Angliæ,

TEMPORE

EDWARDI PRIMI,

CIRCA

JURISDICTIONEM

ET

Forisfactum Ecclesiasticam.

De diversis Regibus in Turri Londinensi & aliter Collectæ.

PER

[illegible], Eorundem Archivorum Custodem.

[illegible]

MDCLXXII.

6 Theol.

Hist. eccles.

Angliae

ANTIQUÆ CONSTITUTIONES Regni Angliæ,

SUB

Regibus JOANNE, HENRICO Tertio,

Et EDOARDO Primo,

CIRCA

JURISDICTIONEM

ET

Potestatem Ecclesiasticam.

Ex Archivis Regiis in Turri *Londinensi* fideliter Collectæ.

PER

GUL. PRYNNE, Eorundem Archivorum Custodem.

LONDINI,

Impensis Authoris. MDCLXXII.

Bayerische Staatsbibliothek
MÜNCHEN

Biblioteca
Nacional
Madrid

PORTUGALIÆ ECCLESIASTICÆ

TOMUS DECIMUS

CONTINENS

EPISCOPATUM CONIMBRICENSEM

PARS PRIMA

AUCTORE

D. CAROLO HENRICO LEMO

Regio Archivi Lusitaniæ Custode, Academiæ Olisiponensis Collegii Conservatore.

OLISIPONI

TYPIS ACADEMICIS

M D C C L X X I I

AD

LECTOREM.

AUthori ante obitum in inſtitutis erat, Antiquas haſce Regni Angliæ Conſtitutiones, Juriſdictionem Eccleſiaſticam ſpectantes, multo auctiores emiſiſſe; eas autem præcipue, quæ apud Doctiſſ. *Spelmannum* [in *Conciliis Eccleſiæ Anglicanæ*] deſiderantur, in lucem aſſeruiſſe. Hæc vero, in tuum (*Lector*) emolumentum, meditanti, mors obrepſit; adeoque Opus, non ſine magno Gentis literariæ diſpendio, intercidit.

GEOLOGIA

THE Epistle Dedicatory.

To the Right Honourable Arthur *Earl of* Anglesey, *one of His* Majesties *most* Honourable Privy Counsil, *and Treasurer of His* Navy Royal; *the Honourable Sir* Harbottle Grimston *Baronet*, Master of the Rolls; *Sir* Matthew Hale *Knight*, Chief Baron *of the Court of* Exchequer; *Sir* Edward Atkins *Knight*, *one of the* Barons *of that Court*; *Sir* Wadham Windham *Knight*, *one of His Majesties* Justices *of the* Kings Bench; *Sir* Richard Rainsford *Knight*, *a* Baron *of the Court of* Exchequer; *The Right Worshipfull Sir* Robert Atkins, *Knight of the* Bath, Sollicitor General *to the* Queens Majesty; *and the rest of the Worshipfull* Readers *of the* Honourable Society *of* LINCOLNS-INNE; *his ever-Honoured kind* Friends, *and* Fellow-Readers *of that* SOCIETY.

MY *common relation* to You all in *general*, as the *eminentest Members* of the *Famous Society* of *LINCOLNS-INNE*, (a *fruitfull Mother* for sundry ages, of many *able*, *learned*, *reverend*, *renowned Privy Counsellors*, *State-Officers*, *Judges*, *Justices*, *Barons* in all *Courts* of *Law*, or *Equity*, both in *England* and *Ireland*, as well as of Eminent *Serjeants*, *Readers*, *Barresters* and *Students* of the *Lawes* of *England*;) and my *particular Obligations* to each of You as my *highly honoured cordial Friends*; have engaged me (in point of *duty* and *gratitude*)

to *dedicate* to Your *Eminencies*, this THIRD TOME, of *An Exact Chronological Vindication*, & *Historical Demonstration of the* SUPREME ECCLESIASTICAL JURISDICTION *of our* British, Roman, Saxon, Danish, Norman, English KINGS, In, and Over all Matters, Causes, Persons Spiritual as well as Temporal, throughout their Realms and Dominions: More particularly, during the Reigns of KING *JOHN*, and *HENRY* the THIRD, (by way of *Appendix* to my *Second Tome*:) but principally of our *glorious* KING *EDWARD* the FIRST, (the chief Subject matter of this *Volume*;) and emboldened me to publish it to the World, under the shelter of Your *Venerable Names* and *Patronage*.

And so much the rather was I induced thereunto, because this *Volume* consists for the most part of such *Records*, *Writs*, *Prohibitions*, *Bulls*, *Patents*, *Epistles*, *Procurations*, *Negotiations* during their reigns, not formerly published, (illustrated with some few *Historical passages*) as are proper for your respective *Consuances*, *Professions*; which, in my *humble opinion*, will much conduce to assist and inable You in the faithfull discharge of those *high*, *honourable*, *publike Places* of *Trust* or *Judicature*, to which most of You are already, and the residue of You may hereafter be *deservedly advanced*, through *His Majesties royal Favour*, by Your vigilant *strenuous Defence* of THE KINGS SUPREME ECCLESIASTICAL AUTHORITY, and of * all Jurisdictions, Priviledges, Preeminences, Rights, Prerogatives annexed to his IMPERIAL CROWN, or Courts of Law; & the maintenance of all just Liberties of the consciences, persons, estates of His loyal Subjects, against the illegal exorbitant disloyal Claims, Innovations, Usurpations, Extortions, Vexations, Impositions, Censures, Practises, Conspiracies or Designs of the Popes, &c, Court of *Rome*, or other Ecclesiastical domestick Prelates, Persons, Courts, or their subordinate Officers; *to eclipse, diminish, invade, undermine, or subvert all or any of them in the least degree*: by *furnishing* You with great *plenty*, *variety* of *notable ancient Presidents*, *Writs*, *Prohibitions*, *Judgements*, *Edicts*, and *Legal proceedings of all sorts*, even in the heighth of *Popery* and *Prelacy*, to *restrain*, *countermine* their *disloyal Usurpations*, *extravagancies*, *oppressions*, *excesses*, tending either to the *prejudice* of the *Kings* or *peoples Rights*. All which (if I

* See 1 Eliz. cap. 1.

mistake

miſtake not) will adde much *light*, *luſtre*, and ſome *conſiderable Supplements* to our ancient *Treatiſes of the Common Law*, the broken Caſes in *Fitzherberts Abridgement*, and *proceedings* in our *Courts* of *Juſtice*; yea, to the Hiſtory of our Church, State affairs, the Treaties, Negotiations between our *Kings*, the *Biſhops*, *Cardinals*, *Legates*, *Court* of *Rome*, and *forraign Princes*, during the reigns of the *premiſed Kings*, conteined in ſundry of their reſpective *Epiſtles*, *Procurations*, *Bulls*, *Appeals*, *Inſtructions*, *Commiſſions*, *Patents*, and *Memorials* (not extant in our printed *Hiſtorians*) which I diſcovered in the *White Tower Chappel*, and elſewhere, in our *over-much neglected Records*; many of which I reſcued as well from *putrefaction* as *oblivion*, and here moſt humbly preſent to Your moſt *judicious peruſal*.

It was my primitive intention, yea hope, to have compleated and publiſhed this *Tome* long ſince; but the late raging *Peſtilence* within the *City* and *Suburbs* of *London* (occaſioned by the outragious (*a*) *Plague of Sinne in our own hearts, lives*) which (*b*) *ſwept away with the beſom of deſtruction* more thouſands of people than any Plague therein in former ages, inforcing me to retire from the *Records* for divers *Moneths*; and the *dreadfull conſuming fire* ſucceeding it, (*c*) *kindled* and *enraged* by the ſuperabounding of all kinds of (*d*) *Sodomitical ſinnes and flames of luſt*, therein committed) which within few dayes ſpace turned the greateſt part of that *Great*, *Rich*, *Famous City* into (*e*) *deſolate heaps of aſhes*, *rubbiſh*, and conſumed my *Printers Houſe*, with all his *Printing-Preſſes*, yea, moſt of his *Caſes*, *Letters*, and of the *printed Copies* of my *Firſt* and *Second*, with 40. *printed Sheets* of *this Third Tome*, therein, to my *great loſs*; together with my *daily long attendance* in ſeveral *Seſſions of Parliament*, beſides other *diverſions* ſince, and my want of convenient Lodgings in the *Tower* near the *Records*; ſo much *obſtructed*, *retarded* my *progreſs* therein, and peruſal, ſorting, digeſting into order all the *Records* and *Monuments* in theſe 3. *Kings reigns* pertinent to my *Theame*, that I could not poſſibly compleat it ſooner; and may juſtly excuſe its long expected *publication*, together with all *defects of ornament*, *method*, and the *Supplemental Appendixes*, or *Inſertions* in improper places of this *Tome*, of ſome *Records* caſually omitted in their *Chronological ſeries*.

(a) 1 Kings 8 37, 38.
(b) Iſay 14. 23.
(c) Jer. 17. 27. c. 50. 32. Lam. 4. 10. Ezech. 20. 48.
(d) Ezech. 16. 46. to 51. Jude 7. Amos 4. 11.
(e) Iſay 17. 1. c. 25. 2.

If

If any of Your *Honours*, *Worſhips*, or other *curious Peruſers* thereof, ſhall chance to *blame* or *cenſure* me (as I fear they will) as guilty of ſeveral *ſuperfluities*, or *redundancies* which might have been well omitted, eſpecially in theſe particulars:

1. For the *multitude* of *Prohibitions*, *Suits*, *Informations* or *Attachments* on them for things, cauſes of the ſelf-ſame *kinde*, or *Nature*.

2ly. For the *ſuperfluity* of *Patents*, *Procurations* of the ſame to Perſons employed to *Rome*, *France*, or in the Collections of *Diſmes*, and the like.

3ly. For the *Repetitions* of Licenſes to elect *Archbiſhops*, *Biſhops*, *Abbots* in *England* and *Ireland*, and *Patents* to *confirm*, *conſecrate*, *reſtore* their *Temporalties* when elected, or confirmed by our Kings.

(f) Here, p. 587, to 603. 662, to 685, 699, to 722.

4ly. For the *exceſſive multiplicity* of the (*f*) *Names of Biſhops*, *Abbots*, *Priors*, *Deans*, *Chapters*, *Parſons*, *Prebends*, *Vicars*, *Prebendaries*, *Religious Houſes*, *Pariſhes*, and their reſpective *Chappels*, *put out of King* Edward *the firſt his protection for refuſing to grant him an Ayde*, *without the Popes precedent aſſent thereto*, *for defence of the Church and Realm*; *who afterwards were enforced to make fines to*, *and compoſitions with him*; *whereupon they procured both general and particular Protections from him*, *at dearer rates then their denyed Ayde amounted to*. And of the (*g*) *Names of thoſe Biſhops*, *Abbots*, *Priors*, *Earls*, *Barons*, *Knights*, *Clergy-men and Laymen of* Scotland, *who made ſolemn*, *reiterated Oathes*, *Obligations*, *Deeds under their hands*, *ſeals*, *before ſpecial Commiſſioners*, *of their fidelity*, *obedience*, *and allegiance to King* Edward *the* 1. *and yet ſoon after moſt perfidiouſly violated them*, *by confederating with the* French, *and rebelling and taking arms againſt him*.

(g) Here, p. 504, to 519, 550, 584, 653, to 666. 1051, 1052.

To the 1. of theſe I anſwer: *That this ſtore can be no ſore*, nor *blameworthy redundancy* in me, ſince uſual in all our *Yearbooks*, *Reports*, eſpecially in (*h*) *Abridgements* of the *Law*, ancient or modern; reporting ſeveral *Prohibitions*, *Caſes*, *Suits* between different perſons, in divers *Terms*, *Years*, *Kings reigns* of the *ſelf-ſame kinde*, *form*, without any *blame* or *cenſure*, as I have here done; on purpoſe to evidence the ſucceſſive reſtleſs *Uſurpations*, *Innovations*, *Encroachments* of *Popes*, *Popiſh Prelates*, *Eccleſiaſtical Courts*, *Judges*, *Perſons* from year to year, upon theſe *Kings Crowns*, *Rights*, *Prerogatives*,

(h) See *Statham's*, *Fitzherberts*, *Brooks*, *Aſhes*, *Hughes*, and Serjeant *Rolls* their Abridgments, Tables, & Serjeant *Moores* and Judge *Crookes* Reports.

rogatives, *Courts of Law*, and the *peoples liberties*; with their own *Royal*, and their *Counſils*, *Judges* care, diligence to reſtrain, prohibit, puniſh them; Which being the *principal Subject-matter* of this and my former *Tomes*; my omiſſion of any of them as *ſuperfluous*, might juſtly be cenſured not only for *folly*, but *treachery* in me both to the *King*, *Subjects*, and the *Cauſe* I plead.

II. To the 2. I return the ſelf-ſame anſwer, with this addition; that different *Patents*, *Procurations*, *Commiſſions* to the ſame or diverſe perſons, upon the ſame, like, or different occaſions, at divers times, under ſeveral or the ſame Kings, though running in the ſame or not much different general forms, muſt neceſſarily be recited, as well in my Collections as in the Records themſelves; elſe the *Negotiations*, *Treaties*, *Things* to which they relate, would become *altogether defective*, *maimed*, *unintelligible*, of *little uſe*, and give no *ſatisfaction* to any Judicious Readers.

III. The 3d. will eaſily be juſtified by the precedent anſwers to the two former, with this further reaſon; that the *vacations*, *elections*, *confirmations*, *ſucceſſions* of our *Engliſh* and *Iriſh Archbiſhops*, *Biſhops*, *Abbots*, *Priors*, our Kings Prerogative in, over them from time to time; the *Clergies irregularities*, *uſurpations*, *abuſes* in them, to the prejudice of our *Kings Crowns*, *Dignities*, *Prerogatives*; with their *Royal Reprehenſions oppoſitions*, *preventions*, *puniſhments*, or *pardons* of them, out of *meer grace*, not *right*; and the *Eccleſiaſtical Hiſtory*, *affairs*, of the *Churches* of *England* and *Ireland* could not poſſibly have been faithfully or fully related, nor well underſtood, without the frequent recitals of their ſeveral ſucceſſive *Licenſes*, *Elections*, *Confirmations*, *Patents of reſtitution* and the like, *eſſential* to my *Hiſtorical Demonſtration*.

IV. For the 4th. (which ſeems moſt liable to exception:) I anſwer, 1. That the Names of all thoſe *perſons*, *places*, being particularly enrolled, recorded with ſpecial care, by King *Edwards* expreſs command, into the *Original Records* themſelves, for a laſting *monument*, *evidence* to *Poſterity* of his *Soveraign Right*, *Dominion*, *Juriſdiction*, and *Authority* over the *Clergy* of *England*, and the *Church*, *Prelates*, *Clergy*, *Nobility*, *Commonalty*, *Realm* of *Scotland*, and of their *ſubmiſſion*, *ſubjection*, *Oaths*, *Covenants* and *Allegiance* made unto him *in a moſt ſolemn publike manner*, upon the premiſed extraordinary

traordinary occaſions ; I could not deem it a *ſuperfluity*, but my neceſſary *bounden duty*, upon the ſame accounts carefully to inſert them all at large into their Tranſcripts ; which I likewiſe did upon 4. other Conſiderations : 1. To gratifie our *Engliſh* and *Scotiſh Heraulds*, and *others* delighting in *Pedegrees*, who may make good uſe of theſe *Names* of the *Prelates*, *Nobility*, *Knights*, *Gentry*, *Clergy* of *England* and *Scotland*, and the places of their *reſidence*, upon ſeveral occaſions. 2ly. To evidence what places had *Religious Houſes*, *Pariſh-Churches*, *Chappelries* in that age ; and what rates, compoſitions they then payd to the King ; which will eaſily ſhew to all concerned, what alterations have ſince been made in any of them. 3ly. To manifeſt the *general Confederacy* of the *Engliſh Prelates*, *Clergy*, in oppoſing the *Aydes demanded of them by King* Edward, *without the Popes precedent licenſe :* and their general and particular ſubſequent late *repentances* for it. 4ly. To evidence the univerſal deteſtable *perjury*, *treachery* of the *Scotiſh Nobility*, *Nation*, but eſpecially of their *Prelates* and *Clergy*, in violating their *reiterated ſolemn Oathes* and *Obligations* to King *Edward*, by their *confederacy* with the *French*, and *rebellions*, *wars* againſt him, not without the *Popes* clandeſtine inſtigation, and abetment.

Having cleared theſe exceptions, I hope to all ingenuous Readers ſatisfaction, I muſt crave leave to inform Your *Honours* and *Worſhips*, that ſince my Compleating of this *Volume* (upon other publike accounts, eſpecially that of *Queengold*) I have peruſed moſt of the *Great Rolls* and *Records* of King *Henry* the 1, 2. King *John*, *Henry* the 3d. and *Edward* the 1. (beſides other Kings reigns) in the *Pipe*, *Kings*, *Lord Treaſurers Remembrancers*, and the *Clerk of the Pleas* reſpective *Offices*, and other *Treaſuries* of *Records* in the *Exchequer* Court at *Weſtminſter*, wherein I found ſundry Tranſcripts of ſeveral *Popes Bulls* , relating to the *Impoſitions*, *Grants* of *Diſmes* and *Aydes* on, or by the *Clergy* of *England* or *Ireland* for our *premiſed Kings* themſelves, or *pretended relief* of the *Holy Land*, or to confirm ſome *Priviledges*, *Exemptions*, granted by them and our *Kings* to *Religious Orders* or *Monaſteries* , recorded or pleaded at large in that Court, the Originals whereof, for the moſt part, are extant in the *Tower*, or their tranſcripts enrolled in the dorſes of the

the *Clauſe*, *Patent*, or other *Rolls*: which having publiſhed in this and the preceding *Tomes*, I ſhall not here repeat. Yet obſerving in the *Great Rolls* in the *Pipe-Office* in the 29, 30, 32, 33, & 34 years of King *Henry* the *Second*, (ſoon after the murder of that *obſtinate*, *perfidious Antimonarchical* * *Arch-Rebel*, as well as *Archbiſhop of Canterbury*, *Thomas Becket*, canonized for a moſt *glorious Saint* and *Martyr* for his oppoſitions againſt the antient *Soveraign Eccleſiaſtical Rights* and *Prerogatives* of this Victorious King over all Eccleſiaſtical perſons, Cauſes, within this *Realm*, and other his *Dominions*; which encouraged his ſucceſſors and other *Engliſh Popiſh Prelates* to uſurp a new *Monopoly* of holding *Plea* and determining the right of *Temporal Cauſes*, *Lay-fees*, *Advowſons*, in their Eccleſiaſtical Courts, as well as of Spiritual matters) and diſcovering ſeveral Fines impoſed by his Judges on ſundry perſons eſtreated into the *Exchequer*, and proceſſe thereupon iſſued to levy them, for proſecuting, or holding ſuch Pleas in their Courts, and Conſiſtories, againſt his Crown, Dignity, and Prohibitions; being the ancienteſt *Records* of this kinde now extant, not formerly taken notice of by any *Lawbooks* or *Hiſtorians*, I thought fit here to preſent Your Honours with them as *Rarities*, rather then to ſmother or pretermit them, though not ſo proper for this *Tome*, which they precede in time.

* See Tom. 1. p. 602, to 632.

*In *Rotulo Magno* Anno 29 Regis *Henrici* 2. Rot. 2. dorſo. under the Title, De Placitis Curiæ. *Richardus de Baſinges* redd. Comp. de 1. marc. quia placitavit in Curia Chriſtianitatis de laico feodo. In theſauro liberavit, et quietus eſt.

* In Officio Pipæ in Scaccario.

In *Rotulo Magno* Anno 30 *H.* 2. *Norhantonſcire*; under the Title, *De Placitis* Ranulphi de Glanvil, *&c. et ſociorum ejus.* Adam de Hanvilla *redd. Comp. dimid. marc.* pro placito de laico feodo in Capitulo.

Ibidem. *Norff.* & *Suffolkſcire.* Simon de Medelwolde *debet* x. *marc.* quia placitavit in Curia Chriſtianitatis de laico feodo. *Sed mortuus eſt.*

Ibidem. *Ewyereſcire*; De Placitis Curiæ: Epiſcopus *Dunolmenſis* debet D. marc. (a great, yet reaſonable fine in that age, becauſe a great rich Biſhop, for this grand offence againſt his Oath and loyalty to his Soveraign) quia tenuit placitum de Advocatione cuiuſdam Eccleſiæ in Curia Chriſtianitatis: (For the levying of which fine of 500 marks I find proceſſe iſſued and reiterated againſt him in the Great Rolls of Ann. 32 *H.* 2. rot. 7. & An. 33 *H.* 2. rot. 7.

Ibidem. *Wyreceſtreſcire*; under the Title of Nova placita per *Gilbertum Pipard*, &c. *et ſocios ſuos.* *Prior de* Wireceſtre *redd. Comp. de* x. *mar.* quia tenuit placitum de laico feodo in Curia Chriſtianitatis.

In *Rotulo Magno* Anno 32 *H.* 2. rot. 3. dorſo. Titulo De placitis

Curiæ. Willielmus Scure *redd. Comp. de* v *s.* iv *d.* quia placitavit in Capitulo de laico feodo.

In *Rot. Magno* Anno 34 *H.* 2. (the laſt Roll in his reign) *Bererc ſcire*; Willielmus Scure *debet* xvi *d.* quia placitavit in Capitulo de laico feodo.

Ibidem Rot. 7. dorſo. Johannis Bud *redd. Comp. de* x. *marc.* quia traxit placitum ad Chriſtianitatem de laico feodo. *In theſauro liberavit, et quietus eſt.*

By theſe and other like preſidents in this eminent Kings reign, we may diſcern his own, and his Judges, Officers, Courts of Juſtice care, vigilancy to reſtrain and prevent not only by *Writs of* **Prohibition** (extant in (*k*) *Glanvil*) but likewiſe by *Fines* and *pecuniary mulcts*, to puniſh the then ſpringing, encreaſing *Innovations*, *encroachments* of his ambitious, avaritious, uſurping *Biſhops*, their *Courts*, and *Officers*, upon his *Royal Crown* and *Temporal Courts*, in proſecuting and holding Pleas of *Lay-fees*, *Advowſons*, and other ſecular matters, whereof they had no legal conuſance, againſt their Oathes and Allegiance to Him; whereof there are multitudes of like preſidents in all our next ſucceeding Kings reigns in the ***Pipe Rolls***, which I pretermit; becauſe the Prohibitions, Attachments, Suits for proſecuting ſuch Pleas collected in this *Tome*, will abundantly evidence the verity thereof.

(k) De Conſuetudinibus & Legibus Angliæ, l. 12. cap. 21, 22.

Beſides, I took notice of this memorable Clauſe concerning *Inteſtates goods*, in *Rotulo Magno* Anno 18 Regis *Henrici* 2. Rot. 9. dorſo, under the Title of *Abbatia de Bello* (in *Suſſex*) *Petrus de Bello redd. Comp.* (to the King) *de xxxiiij. lib. & xiiii ſol. de Catallis* Pelokini *Ballivi de Abbatia*, **qui obiit Inteſtatus.** *In theſauro liberavit, & quietus eſt.* **Which** verifies this aſſertion of (*l*) *Ranulphus de Glanvilla*, (Chief Juſtice under this King) in his *Tractatus de Legibus & Conſuetudinibus* ANGLIÆ, compiled by him in that age, for Law; **Cum quis vero Inteſtatus deceſſerit, omnia Catalla ſua ſui Domini eſſe intelliguntur: ſi vero plures habuerit Dominos, quilibet eorum Catalla ſua recuperabit quæ in feodo ſuo reperiet, &c.** towards the ſatisfaction of all Heriots, Debts and Duties owing to them or others by the Inteſtate; which being fully diſcharged, the King and Lords (not the Biſhop, Ordinary, much leſs his Vicar or Official) were to divide the reſidue of the Inteſtates goods amongſt his Wife and Children if he had any, by the (*m*) *Lawes of King Knute, Edward the Confeſſor,*

(l) Lib. 7. cap. 36.

(m) See here, p. 18, 19, 141, 142, 332.

feſſor, *William the Conqueror*, and *King Henry the* 1. his Charter, *& ſecundum conſuetudinem terræ meæ*; as (*n*) *Glanvill*, the Writs *de rationabilibus diviſis* grounded thereon, and the Statute of *Magna Charta*, *c.* 18. intimate, and (*o*) *Bracton*, with (*p*) *Fleta* expreſly affirm, (yet others deny) even in the caſes of Lay-men: But in the caſes of *Biſhops*, *Abbots*, and *Clergymen*, (prohibited to marry by *Councils*, *Canons*, and *Popes Decretals* in that age) if they died *inteſtate*, all their goods, chattels, monyes, *of right accrued to the King by his prerogative*, who thereupon uſually *ſeiſed* and *converted* them to his *proper uſe*; whereof we have a memorable preſident in the caſe of (*q*) *Geoffry Rydell* Biſhop of *Ely*; who dying *inteſtate* on the 12. of the *Kalends* of *September* Anno 1289. (between the death of King *Henry* the 2. and 4. dayes before the Coronation of King *Richard* the 1. his Sonne;) thereupon, **quia Epiſcopatus inteſtatus deceſſit, ejus bona confiſcata ſunt univerſa,** to King *Richard* the firſt, as (*r*) *Radulphus de Diceto* ſtories; or as (*ſ*) *Mat. Paris* relates, *Eodem tempore* Gaufridus Elyenſis *Epiſcopus* **Inteſtatus deceſſit, unde de reliquiis ſuis confiſcata ſunt tria millia marcarum argenti, cum ducentis marcis auri.** *Superlectilis ſui numerus tàm in auro, quàm in argento, tàm in equis quàm in veſtibus preciosis, tàm in bladis quàm in inſtauramentis in immenſum excrevit.* All which King *Richard* the 1. converted to his proper uſe, by his Prerogative Royal in ſuch caſes, as *Radulfus de Diceto*, *Matthew Paris*, (*t*) *Godwin*, and others obſerve; notwithſtanding the Uſurper King * *Stephens* Charter to the *Biſhops*, and *Clergy*, *whom they perfidiouſly Crowned* againſt their †*Oaths* to Queen *Maude*, (purpoſely to enlarge their Eccleſiaſtical Juriſdiction over *inteſtate Eccleſiaſtical Perſons Chattels*, and their own goods, chattels, with other particulars) by diſinheriting their lawfull Soveraign, for which moſt of them ſoundly ſmarted, their Caſtles, Treaſures being ſeiſed, and their perſons impriſoned by him, notwithſtanding their *Rochets*, *Canons*, and his own new *Charter* to them.

(n) Lib. 12. cap. 20.

(o) Lib. 3. cap. 26.

(p) Lib. 2. c. 57.

(q) Mat. Weſt. Flores Hiſt. An. 1189. p. 62. Mat. Paris, p. 147.

(r) Hiſtoriæ Anglicanæ Scriptores, col. 647.

(ſ) Hiſtoriæ Angliæ, p. 147.

(t) Catalogue of Biſhops, p. 162.

* Here, p. 28. & Tom. 1. p. 491, 492.

† See Tom. 1. p. 489, to 494. 501, to 568, &c.

Upon this occaſion, and our *Biſhops*, *Canoniſts* former and late *claims* of an *ancient unqueſtionable legal right*, *Juriſdiction* veſted in them, to *diſtribute all Laymens goods*, *chattels*, *dying inteſtate*, *to pious or other uſes for the ſalvation of their ſouls*; I thought fit to take ſpecial (*u*) *Notice* in this *Tome*, what *new clauſes* our ſeditious trayterous Archbiſhop *Stephen Langeton* and

(u) Tom. 2. p. 356. Here, p. 18, 19, 20.

and his *Confederates* cunningly thruſt into King *Johns Great Charter of Liberties*, not extant in King *Henry* the *firſts Charter*, which they at firſt pretended he ſhould only ratifie. Which enlarged *Charter*, as it was within 2. years after quite nulled, by the *Pope* at King *Johns* requeſt, and ſo gave the *Biſhops* no *legal power* at all over *inteſtate Freemens goods*; ſo at the reviving thereof by King *Henry* the 3d. in the 9th year of his reign, the Clauſe concerning the diſtribution of the Inteſtates Goods, by his kinred, parents, or friends, PER VISUM ECCLESIÆ; (from whence* *Bracton* and *Fleta* inferred, *ad* ECCLESIAM *& ad amicos pertinebit executio bonorum*) thruſt in by the Biſhops, who interpreted the *Church* to be only the *Biſhop*, was quite expunged out of his *Great Charter*, and all others, ſince confirmed by near 50. *Parliaments*. Whereupon the Biſhops, to ſupport their new encroached Juriſdiction over *Inteſtates goods and chattels* by colour of this expunged Clauſe, which King *Henry* and his *Counſil* ſtrenuouſly oppoſed, and *would never aſſent to*, after many *reiterated ſupplications*, ſet on foot a meer *imaginary Ordinance*, which they reported to be made by the *Prelates*, with *the conſent of the King and his Barons*, and inſerted into * *Otthobons Conſtitutions* Anno 52 H. 3. and after that into *John Stratfords*, Anno 1342. but *when*, *where*, or by what *Prelates*, *King* and *Barons* that *Ordinance* was made, they neither then expreſſed, nor poſitively affirmed, nor can yet reſolve. Yet by colour of this *Ordinance*, (*y*) Archbiſhop *Boniface* with his Suffragans made ſundry *Antimonarchical Conſtitutions* in the *Council of Lambeth* Anno 1257. (41 H. 3. moſt contemptuouſly called and held by them *againſt the Kings expreſſe Writs of Prohibition iſſued to them*,) and among others, denounced a ſolemn Excommunication againſt **all thoſe Lords (not excepting the King & his Officers) who ſhould hinder Ordinaries diſtributions of Laymens goods to pious uſes, as violaters of the Churches Liberties**; Which *Conſtitutions* were no ſooner known, but they were *publikely appealed*, *complained againſt by the King in his own and the Kingdomes name and behalf*, *to two ſeveral Popes*, *as moſt illegally made*, **to the prejudice and grievance of his Crown, Royal Dignity, and againſt the Liberties and Cuſtomes of his Realm of** *England* : for which and other contempts, this *Archbiſhop* was enforced to flye

* Lib. 2. c. 26. & lib. 2. c. 57.

(x) Tom. 2. p. 356. Here, p. 18, 19, 20.

* See here, p. 18, 19, 20.

(y) See Tom. 2. p. 890, 891, 899, 909, 910. Here, p. 20, 21. Pat. 45 H. 3. pars 1. m. 8. Pat. 46 H. 3. m. 17, 19. Johan de Aton Conſtit. Legitimæ, f. 138. Gul. Lindewode Provinciale, l. 3. f. 199. & l. 5. f. 224, to 227. Spelmanni Concil. Tom. 2. p. 313, 585, 586.

the

the *Realm*, to avoyd the Kings, Nobles, peoples diſpleaſures, and dyed in *exile*; whereupon his *Conſtitutions* were totally rejected as *Nullities*, and never put in execution for 85. years ſpace. But then his ſucceſſor *John Stratford* Archbiſhop of *Canterbury* (as ungratefull perfidious à Traytor to King *Edward* the 3. as *Boniface* was to King *Henry* the 3d.) in a *Convocation of the Clergy* held at *London* Anno 1342. in high contempt of the *Kings Soveraign Authority*, (from which *he* * *alleged he was totally exempted, unaccountable to, and not to be judged by him for any crimes objected againſt him*) *revived* and *enlarged* the *exploded Conſtitutions* of *Boniface*, with ſundry Additional Articles and new Clauſes of Excommunications, by his own uſurped Pontifical power, to the manifeſt derogation of the Rights and Prerogatives of the Kings Crown and Dignity, which he thereby endeavoured to wreſt from him: And then like an abſolute Legiſlator and *Pope of our other World*, commanded them to be publiſhed and inviolably obſerved throughout his Province in future times, in this imperious ſtile; (z) *Hujus autem Concilii Conſtitutiones*, *& proviſa remedia* **præcipimus** *in noſtra* Cantuarienſi *provincia*, **futuris temporibus inviolabiliter obſervari. Mandantes Coepiſcopis et Suffraganeis univerſis, ut ipſas Conſtitutiones per ſe et alios, ut jus exigit, publicent et facient publicari, ac in publicam notitiam deduci**; together with the old General Sentence of Excommunication, having ſundry new Clauſes of his own added thereunto: Hereupon King *Edw.* the 3. by two ſeveral *Royal Writs*, or *Letters* (made with adviſe of his *Counſil*, and ordered to be publiſhed at *Canterbury* and other places to all his Subjects,) ſtrictly prohibited the publication or execution of theſe Excommunications or Conſtitutions; therein at large relating this Archbiſhops ingratitude, treachery, inſolency, affronts, ſlanders of him, his Counſil, and Officers, and rendered this Character of him, them, and his deſignes in publiſhing them. (a) *Idem Archiepiſcopus quam regalis benignitas beneficiis & honoribus magnificis ampliavit, &c. ſubito in virum onerоſum & gravem crudeliter eſt converſus, & beneficiis acceptis ingratus, fremens arrogantia benefactorem perſequitur, & illam nobis retributionem impendit, quem vulgariter proverbium dicit*; **Mus in pera; Serpens in gremio; Ignis in ſinu; ſuis conſueverunt hoſpitibus exhibere, &c.** *Opem tamen noſtram & innocentiam*;

* Antiq. Eccleſ Brit. p. 245.

(z) Provincialis Gul. Lindewode lib. 1. de Conſuetudine f. 13, 14. who makes a large gloſſe thereon; Jodacus Badius Conſtit. Provinciales, f. 137. b. Spelmanni Concil. Tom. 2. p. 591.

(a) Stephanus Byrkington, & Archbp Parker out of him, Antiquitates Eccleſiæ Britannicæ, p. 241, 242, 244. See Tho. Walſingham, Hiſtor. Angliæ, p. 236, to 231. Daniels Hiſtory, p. 228, to 230.

innocentiam, & Conſiliariorum & Officialium noſtrorum regalem perſequentium fidelitatem & diligentiam convitiis lacerat, publice prædicando, &c. Et callidis inventionibus et reprobis conſiliis, quasdam Excommunicationis ſententias in Libertatis Eccleſiaſticæ et Magnæ Chartæ violatores in genere dudum latas, ad ſugillandum opinionem Regiam, et præfatos Miniſtros Regios defamandos, et ſeditionem in populo nobis commiſſo PRODITORIE ſuſcitandum, et devotionem Comitum, Procerum et Magnatum regni noſtri Majeſtati Regiæ ſubtrahendum; ſpecificatis nonnullis Articulis, propter et contra ſolitum modum IN CONCILIO PROVINCIALI TRADITUM, mandavit per ſuas literas publicari. (b) Quinimo cum ipſe et alii Prælati Regni, qui de nobis Eccleſiarum ſuarum temporalia recipiunt, ex debito fidelitatis juratæ, fidem, honorem, et reverentiam deberent exhibere; ipſe ſolus pro fide perfidiam, pro honore contumeliam, et contemptum pro reverentia reddere non veretur; Unde etſi parati ſimus et ſemper fuerimus Patres ſpirituales ut convenit revereri, EORUM TAMEN OFFENSAS, QUAS IN NOSTRI ET REGNI NOSTRI PERICULUM REDUNDARE CONSPICIMUS, NON DEBEMUS CONNIVENTIBUS OCULIS PRÆTERIRE, *&c.* Et quia de conſervatione Jurium et Prærogativarum noſtrarum Regalium, quæ Progenitorum noſtrorum Regum *Angliæ* digne recolenda pietas magnifice defenſavit, ſumus ut debemus ſumme ſolliciti; ac idem Archiepiſcopus ad concitandum contra Nos Clerum et populum, et ad impediendum expeditionem guerræ noſtræ quam per ejus conſilium principaliter aſſumpſimus, quaſdam denunciationes et publicationes ſententiarum excommunicationum ac monitiones injuriosas, AC JURI CORONÆ ET REGIÆ DIGNITATIS NOSTRÆ PRÆJUDICIALES, CUM PER EAS NITITUR IN MULTIS ARTICULIS A NOBIS AUFERRE JURISDICTIONEM NOBIS NOTORIE COMPETENTEM, CUJUS CUM SUMUS REX INVICTUS (*miſprinted for* INUNCTUS, *as I conceive*) CAPACES ESSE DINOSCIMUR; ET QUÆ NOS ET PROGENITORES NOSTRI, ſcientibus et tolerantibus Summis Pontificibus, Prælatis et Clero regni noſtri USI SUMUS PACIFICE AB ANTIQUO, fecit, et per alios fieri et publicari mandavit, IN MAJESTATIS NOSTRÆ LÆSIONEM, ET JURIUM ET PRÆROGATIVARUM

(b) Ibidem, p. 254, 255.

GATIVARUM NOSTRARUM REGALIUM DEROGATIONEM MANIFESTAM; Vobis diſtricte et ſub incumbenti periculo PROHIBEMUS, ne publicationes, denunciationes, ſeu monitiones hujuſmodi indebitas, ET JURIBUS AC PRÆROGATIVIS NOSTRIS REGIIS DEROGATORIAS ET PRÆJUDICIALES, vel alia per quæ fideles noſtri contra nos ſuſcitari, vel expeditionem guerræ noſtræ in ſubverſionem noſtri et fidelium noſtrorum poſſint; quod abſit aliqualiter impediri, AD MANDATUM IPSIUS ARCHIEPISCOPI vel alterius cujuſcunque, quomodolibet per vos vel alios faciatis, vel quantum in vobis eſt ab aliis fieri permittatis. Et ſi quid per vos in hac parte attemptatum fuerit CELERITER REVOCETIS. *T. meipſo apud* Turrim London 31 *die* Martii, *Anno*, &c.

Hereupon thoſe *Antimonarchical Excommunications* and *Conſtitutions* of Archbiſhop *Boniface* revived by him, together with his own, thus publikely cenſured, revoked by the King and his Counſil, were totally neglected, and not put in execution by our ſucceeding Archbiſhops, Biſhops, or Eccleſiaſtical Judges for 80. years ſpace or more, as *William Lindewode* himſelf thus acknowledgeth in his Preface to *Henry Chichely* Archbiſhop of *Canterbury*, præfixed to his *Provinciale; *Conſideravi equidem, quod quamquam Conſtitutiones ipſæ ex interioribus medullis Scripturarum, & ſacrorum Canonum, indubitatiſque tam Theologorum, quam Juris Canonici et Civilis autenticorum Doctorum ſententiis ad utilitatem Provinciæ* Cantuar. *ſubditorum extractæ:* A compluribus (tamen) dictæ Provinciæ tam Patribus aliiſque Prælatis et Judicibus, quam ipſorum ſubditis neglectui quodammodo habeantur; adeo quod temporibus his perpauci ſunt qui ipſorum obſervationi, ut ratio exiget, invigilent. Whereupon this great Doctor of the *Canon* and *Civil Law*, (being then *Official* to the Archbiſhop of *Canterbury*, to bring theſe neglected *Canons* into credit, uſe, to enlarge the Juriſdiction of our Eccleſiaſtical Courts and Prelates) in the year 1423. at *Bois St. Vincents* in *France*, collected theſe two, and our other Archbiſhops *Provincial Conſtitutions* into one Body (as (c) himſelf thus relates) *reſecatis ſuperfluis & quibuſdam ex eis abbreviatis correcte in unum Opus collegi, & ſub congruentibus Titulis ad inſtar libri* Decretalium *ſerioſius collocavi.*

* Antwerpiæ, 1525.

(c) In eadem Præfatione.

Anno

Anno tunc ſequenti eadem Statuta gloſſare propoſui ; which having accordingly gloſſed and accompliſhed about the 3d year of King *Henry* the 6. he dedicated his *Provinciale* to this Archbiſhop, **tanquam veræ juris lucernam in Eccleſia** *Anglicana* **radiantem** : which was afterwards printed *Antwerpiæ*, *ſumma cura & diligentia* Chriſtopheri Endovien. *Anno ſalutis noſtræ* 1525. 20 *die* Decembris ; *Venales habentur* London, *in Cimiterio Sancti* Pauli, *apud* Franciſcum Bryckman : By this his *Provinciale* and large Gloſſes on theſe *Conſtitutions* they began by degrees to be put in practiſe by our Biſhops and Canoniſts, as binding Eccleſiaſtical Lawes and Canons, to which all Clergymen and Laymen muſt ſubmit, enforcing obedience to them by their *Eccleſiaſtical Courts* and *Cenſures*. To further which deſign thus begun by *Lindewode*, and reinforce theſe exploded Antimonarchical Conſtitutions, *Jodocus Badius Aſcenſius*, and *Johannes Chappuys* (two great Doctors of the *Canon* and *Civil Law*) An. 1504, collected, corrected, abridged, and printed the *Legatine Conſtitutions* of *Otho* & *Othobon* the *Popes Legates*, made in *England* in two *Councils* held under them at *London* in the reign of King *Henry* the 3d, An. 1236. & 1248. with *Johannes de Athon* or *Acton* his *Gloſſe* upon them (a Doctor of the *Civil* and *Canon Law* flouriſhing in the reign of King *Edward* the 1. as * *Johannes Balæus* conjectures, though perchance of punier times) together with the *Conſtitutiones Provinciales* of ſundry other Archbiſhops of *Canterbury*, (*d*) printed there together : *Solertiſſima accuratione atque Arte Magiſtri* Wulfgangi Hopilii, *impenſis ejuſdem*, *& probiſſimi Bibliopole* Joannis Confluentini, *in inclyta* Pariſiorum *Academia*. *Ad laudem & gloriam Optimi Maximi Domini noſtri* Jeſu Chriſti, *ejuſque pientiſſimæ Matris*, (ranged in equipage with him) *& totius cœleſtis Curiæ*, *necnon AD CONSERVATIONEM LIBERTATIS ECCLESIÆ* ANGLICANÆ, **et ad ſalutem atque eruditionem totius Cleri, omniumque Chriſti fidelium inclitiſſimi Anglorum regni,** *Anno Domini* 1504. *ad Idus* Septembris, (full 21. years before *Lindewodes Provinciale* was printed, and not long after *Printing* was firſt *invented*) dedicating them to *William Warham*, then Archbiſhop of *Canterbury*, *ut Archiepiſcoporum* Cantuarienſium *ſtatuta*, *ad excellentiſſimum Archipræſulem redirent*. Which illegal, oppugned, Antimonarchical, exploded, nulled Conſtitutions of Archbiſhop

* Scriptorum Brit. Centur. 4. cap. 66.

(d) Ibidem, f. 155. b

Archbiſhop *Boniface* and *John Stratford*, with thoſe of the *Council* of *Reading* under *John Peckham* Archbiſhop of *Canterbury*, Anno 7 E. 1. (for which he was convented before the *King* and *Parliament*, and inforced to make a publike (e) *revocation* of ſeveral Clauſes and proviſions contained in his General Sentence of Excommunication therein made, as *derogatory and prejudicial to the Kings Crown, Dignity, and Prerogative*) being the Principal parts of *Lyndwodes Provinciale*, and our *Canon Lawes* introduced by him, began to be cryed up and put in execution by the Biſhops and their Eccleſiaſtical Officers, to the great prejudice and diſhonor of the King, and oppreſſion of his Subjects; For effectual redreſs wherof, King *Henry* the 8. and his Parliament in the 25 year of his reign, upon complaint, That divers Conſtitutions, Ordinances, and Canons Provincial or Synodal had heretofore bene enacted, thought not only to be much prejudicial to the Kings Prerogative Royal, and repugnant to the Lawes and Statutes of this Realm, but overmuch onerous to his Subjects; which the Clergie of England therein not only acknowledged to be true, but alſo moſt humbly beſought his Highneſſe, that the ſaid Canons and Conſtitutions might be committed to the examination and judgement of his Highneſs, and of xxxii. perſons of the Kings Subjects, to be choſen and appointed by the KINGS MAJESTY; whereof xvi. to be of the Upper and Nether Houſe of Parliament of the TEMPORALTY, and other xvi. to be of the CLERGY of this Realm. And all the ſaid xxxii. perſons to be choſen and appointed by the KINGS MAJESTY. And that ſuch of the ſaid Conſtitutions and Canons as the Kings Highneſſe, and the ſaid xxxii. or the more part of them, ſhall deem and adjudge worthy to be continued, kept, and obeyed, ſhall be from thenceforth kept, obeyed, and executed within this Realm; ſo that the Kings moſt Royal aſſent, under his Great Seal, be firſt had to the ſame. And the reſidue of the ſaid Canons, Conſtitutions, and Ordinances Provincial, which the Kings Highneſs, and the ſaid xxxii. perſons, or the more part of them, ſhall not approve, or deem, and judge worthy to be abolite, abrogate, and made fruſtrate, ſhall be abolite, void, and of none effect; (as in truth they were from their beginning, being made not only without, but againſt the Kings Royal aſſent and authority, and not ratified by our Parliaments) and never be put in execution within this

(e) See Here, p. 230, 235, 236. Clauſ. 7 E. 1. 1. dorſo. Revocationes Proviſionum Concilii *Rading*.

Realm. It was thereupon accordingly declared and enacted by the successive Statutes of 25 H.8. c.19. 27 H.8. c. 17. 31 H. 8. c. 16. 37 H. 8. c. 17. & 3, & 4 *Edw.* 6. c. 11. Which also provided and enacted, that these Acts shall not extend, or be interpreted, to give any authority to the said two and thirty persons, or to the more number of them, or to the Kings Highness, for to compile, stablish, or set forth any Ecclesiastical Law, repugnant or contrary to any Common Law, or Statute of this Realm, or the Kings Prerogative. Yet notwithstanding, these their *Canons* and *Constitutions*, though thus contemptuously made, published, complained against, yea censured, exploded by our Kings, and Parliaments from time to time, with *Lyndewodes* and *Atons* Glosses on them, are still obtruded on us, and magnified, justified, asserted, executed by our Bishops, Clergy, their Ecclesiastical Courts, Officers, and Doctors of the Canon Law, as the legitimate, irrefragable *Ecclesiastical Laws* both of the **Church, King and Kingdom** of *England*, not only to justifie their distributions of *Intestates goods*, against the expresse Practise of our (*f*) *Saviour Jesus Christ*, and St. *Pauls Doctrine*, if we believe (*g*) St. *Bernard*, (of which *goods* they were such *ill Stewards* and *dispensers* from the very beginning, that not only (*h*) *Bracton* and (*i*) *Fleta* write, but (*k*) Archbishop *Stratford* himself acknowledgeth in his *Constitutions*, *that they* **unduly usurping them in the name of the Church,** yet NULLAM VEL SALTEM INDEBITAM **facientes distributionem,** *converted them to their own uses*, to the defrauding of their Creditors, Wives, Children, kinred; and I fear they have not been much better Stewards * since;) But likewise **to countenance their** holding all their *Ecclesiastical Courts*, *Visitations*, and issuing out all their *Citations*, *Processe*, *Probate of Wills*, *Letters of Administrations*, *Censures*, in & under their own *Names*, *Rights*, *Stiles*, *Seals*, as in times of the *Popes Usurpations*, not the *Kings*, (whose (1) *Image*, *superscription*, *stile they ought to bear*, as well as his *Coyn*, *Common Law Courts* & *Proces*, or else they are none of his) and to warrant all the *extravagant vexatious Excommunications*, *Visitation Oathes*, *Articles*, *Proceedings*, *Extortions*, lately revived since His Majesties *most happy Restauration*, and the Statute of 13 *Caroli* II. chap. 12. to the derogation of **His Majesties Soveraign Ecclesiastical Authority, and great grievance, oppression, vexation of his loyal Subjects;** For redresse

(f) Lu. 12. 13, 14. 2 Tim. 2. 4.

(g) De Consideratione ad Eugenium Papam, l. 1 See here, p. 138, 139.

(h) Lib. 2. c. 26.

(i) Lib. 2. c. 57.

k Spelmanni Concil. Tom. 2. p. 586.

* See Sir *John Bennets* Impeachment & Censure in Parliament, Anno 1621.

(1) See 1 Ed. 6. c. 2. 1 Eliz. c. 1. 37 H. 8. c. 17. Mat. 22. 20, 21.

dreſſe whereof I thought it neceſſary to inform both our *Prelates*, *Canoniſts*, but eſpecially the Profeſſors of the *Common Law*, how theſe Canons, Conſtitutions were originally made, oppoſed, exploded, yet ſince by degrees revived, and put in execution, notwithſtanding our Kings, Nobles, Parliaments Appeals, Oppoſitions, Complaints, and Acts againſt them, wherewith few of them are acquainted.

And here I cannot but obſerve, That Sir *Edward Cooke*, as he hath in his (2) *Commentary* upon *Articuli Cleri*, taken ſpecial Notice of Archbiſhop *Boniface* and his *Suffragans* forementioned *Conſtitutions*, as *made directly againſt the Lawes and Statutes of the Realm*, and the *Kings Royal Crown, Dignity, which occaſioned much difference between the Common and Eccleſiaſtical Law, Judges, Courts:* So he likewiſe addes, *That this Archbiſhop and his Clergy in a Parliament holden in the* 51. *year of* H. 3. *(which was their* ultimum refugium, *yet the right way) exhibited many Articles as grievances, called* Artículi Cleri; *which either by accident or induſtry are not to be found; yet ſome of their anſwers are extant*; which he there recites, Ex fragmento Rotuli Parliamenti Anno 51 *H.* 3. as his *Margin* affirms, without any directions where to finde it. But under his correction, I conceive he is much miſtaken therein. For firſt, The *Artícles* of Archbiſhop *Boniface* and his *Clergy*, were drawn and exhibited by them to King *Henry* the 3. and his Counſil, not Anno 51. but 41. of his reign, when theſe his Conſtitutions were made in purſuance of them, againſt the Kings Prohibitions. 2ly. Theſe *Articles* are mentioned by (3) *Matthew Paris* in his *Hiſtory*, and ſince printed in his (4) *Additamenta*; and in my (5) *Second Tome*, being 50. in number. 3ly. King *Henry* the 3d and his Counſil refuſed to give any anſwer at all to them, or any of them, upon their *reiterated requeſts*, but abſolutely rejected them, as the Archbiſhop and Clergy premiſe in their (6) *Proeme* to their *Eccleſiaſtical Conſtitutions* then made; neither doth *Mat. Paris* make mention of any anſwers to them, as no doubt he would have done, had there been any given. 4ly. There is no ſuch *Fragment* of any Parliament or other *Roll* An. 51 H. 3. now extant in the *Tower* or elſewhere that I can find, nor any Parliament held that year, but two in Ann. 52 & 53 H. 3. wherein the Statutes of *Marlebridge*, and *Dictum de Kenilworth* were made. 5ly. Not

(2) 2 Inſtitutes p. 599, 600, 601.

(3) Page 920, 921, 922.
(4) Page 199. to 204.
(5) Page 891½ to 898.
(6) See Tome 2. p. 899, 200. & Here, p. 20.

one of our *Hiſtorians* or *Antiquaries* make mention of any ſuch *Articles* of the *Clergy* in An. 51 H.3. 6ly. The Anſwers he prints are unſutable to thoſe Articles in *Matth.Paris* Anno 41. both in their number,and matter, as all may clearly diſcern by comparing them. 7ly.*Othobons Conſtitutions*(made in a Council at *London* An. 52, or 53 H. 3. not 42. as * Sir *Henry Spelmans* Edition , and *John de Atons* too miſtake, as (7) *Matthew Paris*, (8) *Matthew Weſtminſter*, (9) *Matthew Parker*, and others, with the *Clauſe* and *Patent Rolls* of 49 & 50 H. 3. aſſure us, he arriving not, *nor acting as a Legate till then within this Realm*)make no mention of them. Upon all which conſiderations,I cannot but repute theſe *anſwers* he hath printed to be *Apocryphal.*

* Spelman. Concil. p. 263.
(7) Mat. Paris his Continuator, p. 973.
(8)Mat. Weſt. An. 1268. p. 388. Holinſhed, & others.
(9) Antiquitates Eccleſ.Brit. p. 190.

But his moſt unpardonable Overſight and Miſtake , is this ; That in his very *Proeme* to his Second Inſtitutes on *Magna Charta*, he aſſerts, that the Writ of Proclamation iſſued by King *Henry* the 3d. 11 *Decembris* in the 19th year of his reign to the Mayor and Sheriffs of *London*, to prohibit all *Schooles* and *Lectures* of the *Canon Lawes* and *Popes Decretals*, (as King *Stephen* had done before him) then newly *poliſhed*; *abridged* by *Raymundus*, at Pope *Gregory* the 9th. his requeſt ; **qui eas ſolenter et autentice per totius mundi latitudinem LEGI PRÆCEPIT & DIVULGARI, et ad multorum perniciem publicavit;** as (10) *Matthew Paris*, (11) *Platina*, (12) *Balæus*, and (13) *others* relate ; **Uetuitque Jus Civile legi Lutetiæ, et aliis in locis vicinis :** as (14) *Gilbertus Genebrardus* a *Pariſian* Divine obſerves, by theſe new *Decretals*, to which all other Lawes muſt give place, that they alone might rule the World ; whereupon King *Henry* iſſuiſſued this Writ to prohibit them to be *read* upon, publiſhed, or put in execution ; as being moſt derogatory to his *Royal Prerogative*, *Lawes*, *Courts*, and *Subjects liberties* , to be meant and intended only, of *Schooles of the Common Law*, and *Readings* upon the two *Great Charters of Liberties* and the *Foreſt*, which he had formerly ratified, and ſworn to obſerve. Which grand miſpriſion of his as I have (15)*here refuted* at large, by pregnant evidences; ſo the very ſeaſon wherein it was iſſued, ſoon after his removal of his ill Great Officers, Counſellors, Chief Juſticer, and putting honeſt , faithfull ones in their places, upon his *comming to himſelf*, *ſight of his former miſcarriages*, and *reconciliation* to his faithfull

(10) Hiſtor. Angliæ, f.403.
(11) In Vita Gregor. 9.
(12) De Romanorum Pontificum Actis, p. 302.
(13) Creſpin, Bucholcerus, & Faſciculus Temporum, An. 1230.
(14) Chronograph. l. 4. p. 641. & Marc. de Vulſon, De la Puiſſance du Pape,l.1. c.18. p.56. as Honorius the 3d. did before him.
(15) Page 86, 87, 88.

full native *Lords* and *Subjects*, formerly rejected, persecuted by him; with his *confirmation* of these *Charters* under his *Great Seal* in the Parliament of *Merton* within few moneths after, as *himself* observes, and the excellent Laws therein made by him *for the common benefit of his Subjects, Nobles, Realm*; attested by (16) *Matthew Paris*, (17) *Matthew Westminster*, other (18) *Historians*, and by the *Clause* and *Patent Rolls* of the 18, 19, & 20th. years of his reign, will so irrefragably refute it, that I hope no *Common Lawyers* will from henceforth be seduced to believe it upon his *Ipse scripsit*, nor any *Canonists* or *Civilians* reap advantage by this his egregious *Error*; nor yet by his asserting *Circumspecte agatis* (a meer *contrivance* of the *Bishops* to enlarge their Jurisdictions) to be a *Statute* made, or *Writ enacted* in the *Parliament* of 13 *E.* 1. which I have (19) *here* likewise evidenced to be an apparent *untruth*.

(16) Hister. Anglic. 390, 391.
(17) Flores Histor. p. 140.
(18) Holinshed, Speed, Daniel, Mr. Dugdale his Chronica Series, p. 10.
(19) Page 336, to 342. 1270, 1271.

How farre Popes, Bishops, and their *Canon Law Doctors* have by their own *Canons*, *Constitutions*, and *Glosses* on them enlarged their *Jurisdiction* even to the nulling, altering of the *Testaments* and *Legacies* of deceased Persons to pious uses, contrary to their expres wills, those who please may read at leisure in the large folio Volume of *Augustinus Barbosa*, a grand Doctor of the *Canon Law*, & *Episcopus* Eugentinus, **De Officio et Potestate Episcopi,** (dedicated to the Virgin *Mary*) licensed, printed at *Rome*, and newly reprinted *Lugduni* 1665. Pars 3. Alleg. 80 & 81. & Alleg. 50. nu. 41. & *Johannes Bertachinus* **de Episcopis,** lib. 4. Quæst. 4. with sundry other *Canonists* quoted by them.

In what particulars they have advanced Themselves, their Pontifical Mitres, Lawes, above the Imperial Crowns of all Christian Emperors, Kings, and their municipal Lawes, I have (*m*) *elsewhere* evidenced, and shall here demonstrate only in four other Instances worthy special observation.

First, they advance not only every *Pope*, but *Bishop*, farre above all Christian *Emperors* and *Kings* in the manner of their *Unctions* and *Consecrations*: For whereas the *Kings of Israel*, when anointed to be *Kings*, had a *Viol of Oyl*, by *Gods* appointment, *powred out upon their* (*n*) HEADS, as it was upon the (*o*) *High Priests Head, and were annoynted with the same Oyle that the High Priests* were, as (*p*) *most* affirm; to evidence to all, *that they were thereby made the* (*q*) *chief* HEADS

(m) Tom. 1. Epistle Dedicatory, & Tom. 2. p. 5, to 10.
(n) 1 Sam 10. 1, 2. Kings, 9, 6. Psal. 23. 5. & 1 Chron. 1. 39. 45. 2 Kings 11. 12. Mat. 26. 7. Mar. 14. 3.
(o) Exod. 29. 7. c. 30. 30. c. 40. 15. 13. 15, 16, 17. Ps. 133. 2.
(p) See Mr. Seldens Titles of Honor, part 1. c. 8. sect. 1. p. 144, 152.
(q) 1 Sam. 15. 17. Judg. 11. 8. 11. 2 Chron. 9. 8. Ordo Romanus, Bibl. Patrum, Tom. 8. p. 466, 467.

HEADS of all *Gods people committed to their government*, and Gods own VICARS upon Earth, sitting upon HIS THRONE, *to be* KINGS *for the Lord their God*: Which practise of *anoynting the Heads* of *Christian Emperors* & *Kings* at their Coronations, was anciently used both in the *Eastern* and *Western Empires*; (r) Pope *Leo* the 3d. himself anoynting *Charles the Great* with *Oyle* from HEAD to foot *after the custom of the Jewes*, and likewise in the Coronation of our *British* and *Saxon Kings* before the Conquest, as this *Prayer* used at their Coronations in the ancient *Ceremoniale* made in the *Saxons* time assure us; (s) **Chriſte perunge tuum REGEM in regimen, &c. Tua sacratissima unctio super** *CAPUT ejus defluat, atque ad interiora descendat, atque cordis illius intima penetrat, &c. In Nomine Patris, & Filii,* **&** *Spiritus Sancti,* **prosit tibi hæc unctio Dei in honorem et Consecrationem æternam** *in secula seculorum, Amen.* Which Custome hath continued ever since; all our Kings at their inaugurations (notwithstanding *Popes Constitutions* and *Ceremonials* to the contrary, to which they would not submit) having their HEADS anoynted; as our Histories relate, and all the (t) *Ceremonials* of their *Coronations* thus expresly injoyn in the Rubricks, UNGATUR CAPITE: with Oyl and Crisme, as well as on his *hands, breast, back, shoulders*; and then using this Prayer. *Deus Dei Filius Jesu Chriſte Dominus noster*, qui a Patre Oleo exultationis unctus est præ particibus suis, *ipse per præsentem sacri unguinis infusionem Spiritus Paracliti*, SUPER CAPUT TUUM *infundat benedictionem, eandemque usque ad interiora cordis tui penetrare faciat, &c.* Which even our Antimonarchical Arch-Traytor *Thomas Becket* thus acknowledged in his Epistle to King *Henry* the 2. An. 1166. (u) **Inunguntur** REGES IN CAPITE, **etiam Pectore et Brachiis, quod significat gloriam, sanctitatem, et fortitudinem:** And (x) Cardinal *Hostiensis* also not long after in these termes; **Sed et Consuetudo antiqua circa hoc observatur; nam suprædictorum** REGUM *FRANCIÆ* & *ANGLIÆ* CAPITA INUNGUNTUR: And although (y) *Augustinus Barbosa* affirms; *Sicut* Christus, *id est* Unctus, *appellatur Dominus noster* Jesus; *ita* REGES *inunguntur, consecrantur,* & *coronantur,* **ut intelligant se** A CHRISTO UNCTO (not from the Pope) **potestatem habere, et in eo reguare.** Yet notwithstanding, (z) Pope *Innocent* the 3d. (who deprived

(r) Mr. Seldens Titles of Honor, part 1. ch. 8. sect. 1. p. 147. Landulphus Sagax Histor. l. 23.

(s) Seldens ib. p. 144, 151, 152, 153, 155, 156.

(t) See the second Part of My Signal Loyalty & Devotion of pious Christians towards their Kings, p. 158, 207, 227, 243, 252, 279, 281, 282.

(u) Mat. Paris Hist. Angl. p. 101.

(x) Summæ, l. 1. De sacra Unctione, sect. 8. f. 61. b.

(y) De Officio & Potestate Episcopi, pars 2. Alleg. 31. p. 364. nu. 8.

(z) See Tom. 2. p. 259, 260, 264, to 293. 539.

prived King *John* of his Crown, to wreſt a ſurrender of it to himſelf; and excommunicated, depoſed the Emperor *Otho* by Treaſon, Rebellion, then ſet up, crowned *Frederick* the 2. in his ſtead :) not only to perpetuate the *antichriſtian* abſolute Soveraignty of himſelf and his ſucceſſors over all *Chriſtian Emperors and Kings*, as the only Heads of the Univerſal Church, but alſo to deprive them of their *Headſhip*, *Soveraignty* over the Churches, Prelates within their own Dominions, & advance every of their Biſhops paramount them; tranſlated their Unctions from the *Head* to the *Arm* or *Shoulders*, and that only with *Oyle*, not *Criſme*, upon this account, (a) *That after ſuch time as our Savior was anointed with the oyl of gladneſs above his fellows*, qui ſecundum Apoſtolum eſt CAPUT ECCLESIÆ, (therefore not the Pope) Principis unctio a CAPITE ad brachium eſt tranſlata, UT PRINCEPS EXTUNC NON UNGATUR IN CAPITE, ſed in brachio, ſive humero, vel armo, in quibus Principatus congrue deſignatur, *juxta illud quod legitur*, (Iſay 9. 6.) *Factus eſt* Principatus ſuper humerum ejus. Whereupon the (b) *Roman Ceremonials* and *Pontificals* ſince compiled, preſcribe, that *Emperors* and *Kings* ſhall be anoynted only on the *Arm*, *Shoulders*, not the *Head*, but Popes and Biſhops only on the *Head* : when as the ancient * *Ordo Romanus*, ad Regem benedicendum, compiled about 800 years after Chriſt, (as *Jodocus Coccius* and others aſſert) and uſed till this Pope *Innocents* time, expreſly preſcribes ; *Dominus Metropolitanus ungat de Oleo ſanctificato* CAPUT, *Pectus & Scapulas*, *ambaſque compages brachiorum ipſius*, *ita dicendo*, Ungo te in REGEM, *de Oleo ſanctificato*, *&c.* And their very New *Ceremonials* and *Pontificals* ſtill retain the forementioned Prayer after their anoynting in the *armes*, as they uſed when their *heads* were anoynted : The reaſons of which alterations, worthy obſervation, they thus render to us. (c) Solus Pontifex Chriſmate in CAPITE ungitur, *ex balſamo et oleo confecto*, myſtica ratione; ſed Imperatores et Reges tantum oleo in brachio crucifixo in modum Crucis inunguntur; ut oſtendatur quanta ſit differentia inter auctoritatem Pontificis et Principis poteſtatem. Ungitur primo in Capite Epiſcopus qui conſecratur, ut auctoritas et dignitas ejus declararetur, eum ſcilicet eſſe CAPUT ET PRINCIPEM ECCLESIÆ SUÆ, (not the Emperor, or King) et ut oſtendatur eum eſſe VICARIUM CHRISTI, ejuſq; dignitatem et auctoritatem

(a) Extrav. de Sacra Unctione, ſect. *unde*, & Selden, p. 155.

(b) Pontificale Romanum Clementis 8. Antwerpiæ 1627. p. 167. Cæremoniale, Sacr. l. 1. ſect. 1. c. 3. & cap. 1.

* Printed in Bibl. Patrum, Coloniæ Agr. 1628. Tom. 8. p. 466, 467.

(c) Reſtaurus Caſtaldus, de Imperatore, qu. 19. nu. 3. Auguſt. Barboſa, de Offic. & Poteſtate Epiſcopi, pars 2. Alleg. 31. nu. 12. & pars 1. Tit. 1. c. 5. nu. 10. p. 31.

auctoritatem gerere qui eſt ſuper omnia, et quem conſtituit Deus CAPUT (therefore not the Pope) SUPER OMNEM ECCLESIAM. Ideo Reges non JAM in CAPITE, (as anciently) ſed in humero unguntur: *Primum*, ut iſ propriius honor ſit illius, quem Deus conſtituit excelſum ſuper omnes Reges Terræ, et quem oleo lætitiæ excellentius, & anguſtius unxit præ conſortibus ſuis. (For which reaſon, if meant of *Chriſt* himſelf, not any *Pope* or *Biſhop*, as the * *Scripture* reſolves, neither *Popes* nor *Biſhops* ſhould be anoynted on the *head*, being an honor proper only to *Chriſt* himſelf:) Deinde, ut oſtendatur, quod primo ante omnes Reges et Principes perſona Capitis Pontificali Officio repræſentetur. Ungitur tamen et REX in humero, ut neque ipſe plane excludatur a repræſentatione ejuſdem Capitis; nam et hujus principatus, (ut dicit *Iſa.* 9.6.) ſuit ſuper humerum ejus; et ut ſciat ſe eſſe miniſtrum ad portandam Crucem (when as the Text is *Gladium*) JESU CHRISTI, ad laudem bonorum, vindictam autem malorum, *Rom.*13.4. Yet as if this diverſity in their Unctions were not ſufficient, to advance the *Pontifical* above the *Regal* Authority, the Pope at his enſtallment, by pretext of our famous Chriſtian Emperor *Conſtantines* Donation of his *Imperial Crown* to Pope *Silveſter*, (which many of their *Paraſites* aſſert to be genuine, and amongſt others, (d) *Auguſtinus Barboſa*, (e) *Andræas Victorellus*, with ſundry other *Canoniſts* quoted by them, though *Laurentius Valla*, with farre more *Pontificians* reject it, as a *palpable forgery* upon unanſwerable reaſons, as well as *Proteſtants*, branded as *Palea* even by *Gratian* himſelf, *Diſt.* 96. as I have (f) *elſewhere* evidenced,) (g) in ſignum Imperii utitur CORONA IMPERIALI, et in ſignum Pontificis utitur MITRA. *sed* Mitra *ſemper utitur & ubique*, Corona *autem non ſemper*, quia Pontificis authoritas eſt prior et dignior, et diffuſior Imperiali poteſtate; Et utrumq; gladium habet; unde et Reges et Imperatores deponit; immo non ſolum Imperium et Regnum conſtituat, ſed et transfert; as being Rex Regum et Dominus Dominorum quantum ad poteſtatem; though Servus ſervorum Dei quantum ad humilitatem, as they diſtinguiſh.

2ly. Popes and the Doctors of their *Canon Lawes* aſſert; That (h) *Omnes, ſive Patriarchæ cujuſcunque apicem, ſive Metropoliorum primatus, aut Epiſcoporum cathedras, vel Eccleſiarum, ſive cujuſcunque Ordinis dignitatem* inſtituit Romana Eccleſia. *Illam vero ſolus ipſe fundavit, & ſupra petram fidei*

* Pſal. 45. 7. Heb. 1.8. Mat. 26. 7. Iſay 61. 1. Lu. 4. 18. Acts 10. 38. Lu. 14. 3.

(d) De Officio & Poteſtate Epiſcopi, pars 1. Tit. 9. nu. 2. p. 138, 139, 140.

(e) Recognitiones, ad Edit. Alphonſi Cracovii de Vitis Pontif. Roman. Romæ 1630. p. 20, 21.

(f) Tom. 1. p. 56, to 60. & 102, 103, 104.

See Marc de Vulſon, De la Puiſſance du Pape, l. 3. c. 14.

(g) Gratian Diſt. 10, 21, & 22. & 96. *Si Imperator.* Hoſtienſis Summa lib. 1. De Sacra Unctionis, f. 49. b. Auguſt. Barboſa, De Offic. & Pot. Epiſcopi pars 1. Tit. 3. c. 11. p. 140. nu. 88, 89, 90. & c. 2. p. 331. nu. 18. with ſundry others there quoted by him.

(h) Gratian Diſtinctio 22. cap. *Omnes*, & all Canoniſts in their Gloſſes thereon.

fidei mox nascentis erexit, qui beato Petro *æternæ vitæ clavigero* terreni simul et cælestis Imperii jura commisit. That (i) totum jus eligendi et creandi Episcopos ad Romanum Pontificem pertinet tanquam ad Successorem Petri, cui data a Christo Domino summa potestas in totam Ecclesiam; whence they inferre, (*) *That the Pope hath the sole power of erecting, dividing, uniting, transferring from place to place, suppressing, depriving, restoring all Archbishopricks, Bishopricks, Monasteries, Bishops, Abbots, Priors, Ecclesiastical Dignities, Offices, Benefices, Priests, Officers, Incumbents, at his pleasure; and to indulge what priviledges or exemptions he please to any of them, both from all Regal and Episcopal Jurisdiction and Censures:* And, *to prohibit Emperors, Kings, or any other Laymen to give Investitures of Bishopricks or other Ecclesiastical dignities,* under pain of Excommunication both of the givers and receivers of such Investitures; *That Christian Emperors, Kings, Lay-men have no right to elect, promote any Patriarchs, Archbishops, Bishops, Abbots, Priors, Prebends, or Clerks to any Bishopricks, Monasteries, Prebendaries, Benefices, or Church-dignities, whereof they have the Patronage by right of their foundations, or endowments of them with Temporalties, Priviledges, or otherwise, but only by the grace and donations of Popes, for certain politick reasons of State, who may resume them at their pleasures, if they shall judge they abuse their power therein.*

(i) Augustin. Barbosa, De Officio & Pot. Episcopi, pars 1. Tit. 1. c. 3. p. 12. nu. 2, 6, 7. & nu. 29. 31 32. & c. 4. nu. 6.

(*) Gratian. Caus. 2. qu. 4, 6, 7. Caus. 3. qu. 6, 8. Caus. 11. qu. 1. Caus. 16. qu. 1. Gratian Distinct. 22. Innocentius 3. c. 1, 2. De Translatione Episcopi & ad cap. *Cum Olim.* Dr. Marta de Jurisdictione, pars 3. c. 21. n. 15, 16, 17. pars 2. c. 34. n. 28. Marc. de Vulson, De la Puissance du Pape, l. 1. c. 10. to the end of c. 18. & the Popes Canonists, & others there cited by him. And these Tom. 1. p. 279, to 430. 486, 498.

3ly. From thence they inferre, and magisterially resolve, that, (k) Semper et in omni tempore Provisio beneficiorum et Ecclesiarum, etiamsi Cathedrales, Metropoliticæ, vel Patriarchæ sint, ad Summum Pontificem de jure pertinuit, et usque in hunc diem pertinet, (l) Cui nullum tempus præfixum est ad conferenda beneficia, quia non habet superiorem qui ejus negligentiam posset supplere. And hence they assert his Papal Right and Jurisdiction to dispose of all Episcopal, Ecclesiastical Dignities, Monasteries, Benefices whatsoever, both before & after their vacancies to whomsoever he pleaseth by his *Provisions*, notwithstanding his own grants to the contrary; and that in all sorts of cases imaginary: of which I shall render you this account in such particulars wherein they most frequently granted their *Provisions* to *Archbishopricks*, *Bishopricks*, *Monasteries*, *Prebendaries*, *Benefices* in *England* and *Ireland*, during the reigns of our 3. premised Kings, as well as in other forreign kingdomes, (grounded

(k) Aug. Barbosa, Ibidem. & the Canonists on Gratian distinct. 22.

(l) Aug. Barbosa Ibid. pars 3. Alleg. 126. p. 384. nu. 81, 82. & p. 589.

upon their own Apocryphal Papal Epistles, Canons, and Decrees,) as they and their Canonists thus generally, and more particulary resolve; (*m*) **Summus Pontifex in beneficialibus liberam et plenissimam habet potestatem. Beneficia omnia respectu S. Pontificis sunt manualia, et in eis uti potest plenariam potestatem; ac Clericum suo beneficio sine causa a Clerico data, sed ex causa majoris boni Ecclesiæ universalis, privare. Et licet potestatem in Episcopos transtulerit, ut quilibet in sua Diœcesi beneficia ibidem consistentia conferre posset, penes ipsum major remansit, adeo quod impossibile sit Papæ suæ derogare sententiæ, seu ita privilegium alicui concedere, ut non possit absolute per ipsum revocari, cum in hoc non cadat quæstio potestatis, sed voluntatis tantum; et sic potestati Episcoporum a se concessæ derogare, sibique collationes reservare potest; et per consequens de omnibus beneficiis, et in omnibus mensibus providere, et libere disponere valet: in quo Deo non detrahit alieno juri, sed proprio utitur, nec inde modo aliquo ordo Ecclesiasticus turbatur. Quod Summus Pontifex beneficia dissita per totum orbem in quibuslibet diœcesibus ac provinciis quadruplici jure providere potest. *Primò* concursus, quatenus tanquam Episcopus universalis concurrit cum cæteris inferioribus collatoribus. *Secundo* jure devoluto, quia videlicet ex causa aliqua jus conferendi de inferioribus collocatoribus ad ipsum facta sit devolutio. *Tertio* jure prævention is, cum videlicet præveniendo vacationem beneficii mandat ea succedente certæ personæ conferri, etiam ipse ex tunc confert. *Quarto* jure reservationis. *Quinto* denique simplici via juris. Unde etiam in mensibus quos Papa Ordinario concessit de novo, non abdicavit totaliter a se potestatem conferendi, ita ut si ipse præveniat; valeat ejus collatio.** More particularly they assert, (*n*) **In primis reservantur de jure dispositioni *Romanæ* Pontificis, omnia beneficia vacantia apud sedem Apostolicam, seu in Curia: in tantum, quod si Ordinarius provideat de beneficio quod vacavit in Curia, provisus non habebit titulum colloratum. Et illud beneficium dicitur vacare apud sedem Apostolicam, ut sit reservatum, quod vacavit in locis vicinis ipsius Sedis Apostolicæ, et *Romanæ* Curiæ, quod prope eam intra duas dietas legales. Beneficia etiam apud sedem seu in Curia vocare dicuntur non solum per obitum in illa, quia beneficium illius qui est mortuus in Curia, dicitur reservatum,**

(m) Augustinus Barbosa De Officio & Potestate Episcopi, Pars 3. Allegario 58. p. 150. sect. 3. to 13. Dr. Marta de Jurisdictione, pars 3. c. 21. n. 15, 16, 17. Melchior Lottorius de Re Beneficiaria, lib. 2. qu. 15, 16.

(u) August. Barbosa, De Offic. & Potestate Episcopi, pars 3. All. 58. sect. 19, to 35. with others here quoted.

sed

ſed etiam per reſignationem factam in manibus Papæ, quam conſtat vere et legaliter dici reſignationem in Curia, etiamſi mediante procuratore alibi conſtituto. Yea, reſignantes beneficia in Curia *Romana* permutationis cauſa, ſi moriantur extra Curiam ambo, vel unus illorum ante permutationem completam, vacare ea beneficia in Curia tenent, quia non habetur ratio temporis in quo mortui ſunt Clerici, ſed ejus in quo reſignarunt, quia tunc beneficia vacaſſe intelliguntur. (o) Sic etiam in Curia beneficia vacare dicuntur, quando ibi privatio, aut alii vacationis modi inducuntur. Ubi privatio inducitur a jure, ſeu ex decreto propter actum poſitivum; per ſententiam privationis latam in Curia contra ſe defendentem, verum contumacem, qui de jure habetur pro præſenti. *Secundo*, Reſervatione beneficia diſpoſitioni *Romani* Pontif. pertinent per ſolam appoſitionem ſuæ manus, quamvis inutiliter factam; ita quod ſi Papa provideat alicui, vel provideri mandat de aliquo beneficio, ſi proviſio fuerit nulla, utpote facta inhabili vel incapaci, aut propter ſubreptionem, vel alium defectum, beneficium remanet Papæ affectum, et in illo Ordinarius non poteſt ſe intromittere. *Tertio*, Reſervantur diſpoſitioni Summi Pontificis beneficia vacantia ſede Epiſcopali vacante, (either by death, or tranſlations to other Sees) cujuſcunque ſpeciei et qualitatis ſint. To which *Auguſtinus Barboſa* and others quoted by him, adde at leaſt 18 *Heads* of *Reſervations* more, by which Popes *have right to preferr perſons by their Proviſions to all ſorts of Eccleſiaſtical dignities, beneſices, and preferments, by their own Conſtitutions and Canons*; ſo as none could eſcape their clutches, which thoſe who pleaſe may there peruſe at leiſure.

(o) Auguſt. Barboſa Ibidem, ſect. 24. & 32.

That which encouraged Popes to theſe Extravagant Uſurpations in their *Proviſions* to, and *Reſervations* of all *Eccleſiaſtical Dignities* and *beneſices*, was the good ſucceſſe and victory they had gained in the Controverſies between them the Emperors of *Germany*, and our King *Henry* the 1. (after above 30. years hot and bloody conteſts) in the Caſe of *Inveſtitures* of *Biſhops* and *Abbots per Annulum & Baculum*; whereof I ſhall render you this brief account. * The *Roman Emperors* both claimed and exerciſed this *Soveraign Prerogative*, that no *Pope*, *Patriarch*, *Archbiſhop*, or *Biſhop* ſhould be elected, confirmed, or conſecrated within their Empire, but by their precedent ſpecial licenſe, ſubſequent Confirmation and Inveſtiture; for the better preſervation whereof, after the

* See Fox Acts & Monuments Edit. ult. Vol. 1. p. 386, 387, 388.

tranſlation of their Courts & reſidence from *Rome* to *Conſtantinople*, the Biſhops of *Rome* by their order, uſed to ſend *Certificate* of their *elections* to the *Emperor* to his royal City, and to give a certain ſum of money to him before they *were conſecrated*. This Pope *Vitalian* did An. 665. (1) **ſecundum antiquam conſuetudinem**: which ſumme of money *Conſtantinus Pogonatus* in the time of Pope *Agatho* about the year 680. *releaſed*, but ſtill reſerved the former priviledge of *confirming* Popes before they were conſecrated (as well as of queſtioning, impriſoning, baniſhing, yea depoſing them, which ſome Emperors did) as *Gratian* himſelf, *Bartholomæus Brixienſis*, *John Thierry*, in their *Gloſſes* on him, *Blondus*, and others atteſt. Upon the tranſlation of the Empire from the *Germans* to the *French* by *Charles* the *Great* himſelf (by his own ſword and the *Romans concurrent aſſent*, as (2) *Marſilius Patavinus*, and (3) *others* prove at large, not by the Popes Authority,) (4) *Pope Adrian* the 1. An. 773. (before *Charles* was crowned *Emperor*, in a *Univerſal Synod* at *Rome* of 153. religious *Biſhops* and *Abbots*, **Dedit ei jus eligendi Pontificem, et ordinandi Apoſtolicam ſedem, dignitatem quoque Principatus; inſuper Archiepiſcopos et Epiſcopos per ſingulas provincias AB EO INVESTITURAM ACCIPERE definivit; et ut niſi A REGE laudetur et INVESTIATUR EPISCOPUS, a nemine conſecretur. Omneſque huic Decreto rebelles anathematizavit, et niſi reſipiſcerent bona eorum publicari.** Which Priviledge (5) Pope *Leo* the 3d. confirmed to this Emperor *Charles*, at his Coronation, and Pope *Leo* the 8. to the Emperor *Otho* the 1. in another *Council* Anno 963. as (6) *Waltramus* **Biſhop of *Naumburg*** in his Excellent Treatiſe againſt Pope *Hildebrand*, **De Epiſcoporum Inveſtituris per Imp.** aſſerts; (wherein he affirms, that this *priviledge* of *Inveſtitures* was uſed by the Kings of *England*, *Scotland*, *Spain*, *Hungary*, and of other *Realms*,) with *Gratian* himſelf and ſundry others (wherin theſe their *confirmations* are recorded at large) acknowledge. This Priviledge was enjoyed by, and continued ſacred, inviolable in Emperors and Kings for above 200 years, as *Waltramus*, (7) *Antoninus*, (8) *Johannes Aventinus*, and others prove at large; till that Antichriſtian firebrand Pope *Gregory* the 7. in a *Council* at *Rome* in the year 1076. (to wreſt this Right of Inveſtitures from the

(1) Gratian Diſtinct. 63. cap. Agatho. Blondus, l. 4. Dec. 1. Cent. Magd. 7. c. 7. col. 235. c. 10. col. 285. Anaſtatius in vita Agath.

(2) Defenſor. Pacis, pars 2. c. 17. 24, 25.
(3) Otto Friſingenſis, l. 5. c. 31, 32. Dr. Crakenthorp, Defence of Conſtantine, c. 14. p. 322. to 344.
(4) Sigeberti Chron. & Mat. Weſtm. An. 773. Polychron. lib. 5. c. 26. Antonini Chron. Tit. 14. c. 1. ſect. 6. Aventinus Annal. Boiorum, l. 4. Platina, Barns, Balæus, others in Adriano 1. Cent. Magd. 8. c. 7. 9. col. 511, 572.
(5) Gratian Diſtinct. 63. cap. *Vota*.
(6) Printed in Flacius Illyricus his Catal. Teſtium Veritatis Appendix. f. 54. and in Goldaſtus.
(7) Chron. Tit. 1. c. 3. ſect. 21. f. 123. Tit. 17. c. 1. f. 177.
(8) Annal. Boiorum lib. 5.

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the Emperor *Henry* the 4. and his ſucceſſors, and all other Chriſtian *Kings* and *Laymen*) decreed; (10) Si quis deinceps Epiſcopatum vel Abbatiam de manu alicujus laicæ perſonæ ſuſceperit, nullatenus inter Epiſcopos vel Abbates habeatur; nec ulla ei ut Epiſcopo vel Abbati audientia concedatur. Inſuper, et gratiam B. *Petri* et Eccleſiæ introitum interdicimus, ſuſpendimus; quouſque locum quam ſub crimine tam inobedientiæ quam nimbi. tionis, ex quo idololatria cæpit, reſipiſcendo non deſerit. Similiter et de inferioribus dignitatibus conſtituimus. *Item*, Si quis Imperatorum, Regum, Ducum, Marchionum, Comitum, vel quælibet ſummorum poteſtatum aut perſonarum Inveſtituram Epiſcopatuum, vel alicujus Eccleſiaſticæ dignitatis dare præſumpſerit; ejuſdem ſententiæ vinculo ſe eſſe obſtrictum ſciat. And becauſe the Emperor *Henry* the 4. would not hereupon quit this right of *Inveſtitures*, he ſolemnly excommunicated him: upon which *Henry* in a (11) *Council at Worms degraded him from his Papacy, as an Intruder, Thief, Wolf, Tyrant, and no Paſtor or Pope*; He by way of revenge (12) *abſolved all his Subjects from their allegiance, and raiſed his Prelates, Nobles, ſet up* Rodulphus, *and at laſt his own Son* Henry *againſt him, who by force of arms after many battels, crowned his Son Emperor in his ſtead, forcibly deprived him of his Empire, impriſoned him*, (being likewiſe *excommunicated* for the ſame cauſe by Pope *Clement* 3. *Victor* 3. and *Urban* 2. who confirmed *Hildebrands*, and made new Canons and Conſtitutions againſt *Inveſtitures* in ſeveral *Councils*) *and after his death he had his Corps digged out of his grave, and kept uninterred for* 5. *years ſpace upon this quarrel.* Which yet his Son *Henry* revived: who comming to *Rome* to be crowned there by (13) Pope *Paſchal* the 2. Anno 1111. *intreated him to confirm all the Biſhops he had inveſted, and this right of Inveſtitures, which the Emperors had enjoyed above* 300 *years*: which he refuſing to do, againſt Pope *Hildebrands* and his 3. *ſucceſſors decrees againſt Inveſtitures*, he *commanded his Soldiers forthwith to apprehend and impriſon the Pope & his Cardinals in the Mount of St.* Sylveſter, *untill they ſhould all reſtore and confirm to him by their Deeds*, inveſtiendi Jus *Carolo Magno* datum; and crown him Emperor; which at laſt they yielded to do; this Pope

(10) Chron. Antonini, Tit. 16 c. 1. Tit. 17. c. 1. Gratian cauſ. 16. qu. 7. & Diſtinct. 33 Centur. Magd. 12. c. 7. col. 374, 485. Fox Acts and Mon. Tol. 1. Benno Cardinalis in vita Hildebrandi.

Nota.

(11) Abbas Uſpergenſis, Chron. Anno 1076. p. 221. Marianus Scotus, l. 3. An. 1077. p. 436. Martini Polcani Supput. p. 184. Aventinus Annal. Boior. l. 5. p. 453. Paulus Beuriredenſis in vita Greg. 7. p. 83 Centur. Magd. cap. 8. col. 424, 425. Fox Acts & Monuments Vol. 1. p. 336, &c.

(12) See Cuſpinian, Anonymus, Grimſton, Abbas Uſpergenſis, & others in the lives of H. 4. 5. & Rodulfus; Aventinus Annal. Boiorum, l. 5. & Platina, Onuphrius, Balæus, Barns, Centur. Magd. Volateranus, Faſciculus Temporum, Hermannus Schedel, Baronius, & others in the lives of theſe Popes; Crantzius Saxoniæ, l. 5. in Sylveſter 2.

c. 24, &c. (13) Platina, Stella, Balæus, Barns, Laertius Cherubinus, Ciaconius, & others Abbas Uſpergenſis, Annis 1111, 1112.

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by his Charter by himſelf, and 25 Cardinals by another, (recorded in the (14) *marginal Authors*,) reſtoring and ratifying this Priviledge to him and his ſucceſſors, which they likewiſe confirmed by a moſt *ſolemn Oath:* But the Emperor was no ſooner crowned, and departed from *Rome*, but this Pope with a few Cardinals and Biſhops in a *Council* there ſummoned by him, moſt *perfidiouſly mulled and revoked theſe their Charters, and this Priviledge of Inveſtitures*, ſtiling it *Pravilegium, non Privilegium*, excommunicating this Emperor therein, and raiſing ſuch Rebellions againſt him, that at laſt, (15) *after* 33. *years bloody wars and conteſts between his father and him, and ſeveral Popes, to purchaſe his peace and abſolution, he was enforced to quit and releaſe this ancient Right by a Deed under his ſeal to Pope* Calixtus *the* 2. *Anno* 1127. maximo et adhuc nunquam delcto *Germaniæ* et Imperii totius dedecore. Atque ut notiſſima eſſet victoria et Cæſaris probrum, Papæ Legati eas literas in loco campeſtri ſpacioſiſſimo prope *Rhenum* clara voce proclamant et denunciant. Ea diplomata ubi ad *Romam* delata ſunt incredibilem excitaverunt lætitiam et tripudium. Ut autem triumphus ille de manubiis Cæſari ereptis communior et illuſtrior eſſet, Sanctiſſimus Papa Cæſar *Calixtus* 2. eas literas de extorta reſignatione et renunciatione Juris Cæſarii de Inveſtitura Epiſcoporum, in Eccleſia *Lateranenſi* publice ſuſpendi juſſit, omnibus ut riſum et inſultationem, more ſcilicet vere Apoſtolico, moveret: Juſt 12. years after Pope *Paſchal* had extorted it from our King *Henry* the 2. Anno 1108. by the treachery, obſtinacy, and rebellion of *Anſelme* Archbiſhop of *Canterbury*, after many years conteſts, as I have (16) *elſewhere* evidenced; Yet notwithſtanding this forced renunciation of this Priviledge by the Emperor *Henry* the 5th his Deed, *Lotharius* the *Emperor* demanded the reſtitution of this right of *Inveſtitures* from Pope *Innocent* the 2. (whom he reſtored to the Papacy, when expelled from *Rome* by *Anacletus* his Competitor;) (17) *Inveſtitures then ſpringing up in all places like* Hydraes *heads*, notwithſtanding all Popes or Councils ſucceſſive decrees, fulminations, and above 50 years conteſts againſt them; till St. *Bernard* by his mediation with *Lotharius* and the *French King* compoſed this ancient difference by an amicable accord between the Pope, Emperor and them, ingaging the *Emperor*, *French King*, and other *Chriſtian*

(14) Simeon Dunelmenſis de Rebus Geſtis Angl. col. 232, to 237. Radulphus de Diceto, Abbr. Chron. col. 502 Hen. de Knyghton de Event. Angliæ, l. 2. c. 7 col. 2372. Otto Friſingenſis Chron. l. 7. c. 14 Abbas Uſperg. Chr. An. 1111, 1112. Aventinus Annal. Boiorum, l. 6. Centur. Magd. 12. c. 9.

(15) Aventinus Annal. Boiorum, l. 6. p. 480, to 491. Appendix Catalogo Teſtium Veritatis, p. 53. Abbas Uſpergenſ. Chron. Ann. 116, 117, 1122 p. 267. Otto Friſingenſis l. 2 c. 16. Albertus Crantzius Saxoniæ, l. 5. c. 41 42. Simeon Dunelmenſis Hiſt. col. 244, 245. Henr. de Knyghton de Event. Angliæ, l. 2. c. 8. col. 2377. Centur. Magd. 12. c. 9. col. 1002, 1008. Fox Acts & Mon. Vol. 1. p. 256.

(16) See Tome 1. p. 352, 353, 400, to 429, 486.

(17) Willelm. Malmesburienſis de Geſtis Regum, l. 2. c. 3 p. 84. Bernardi Epiſt. 164. & Serm. in Cœna Domini de Baptiſmo, f. 32. See Tome 1. p 486.

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ſtian Princes in a *Warre* againſt the *Saracens*, the better to divert them from reſuming this their ancient *Priviledge*, that ſo Popes alone (under a pretext of preventing *Simony* in Lay-men) *might ingroſſe the ſale of all Biſhopricks, Church-Dignities, Benefices into their own hands alone*, and make all Biſhops, Clerks become their devoted ſworn ſervants, on whom all their preferments depended.

What ſtrenuous oppoſitions King *John*, and *Hubert* Archbiſhop of *Canterbury* made againſt Pope *Innocent* the 3. his *Proviſions*, when firſt ſet on foot within his Dominions, you may read in my (p) *ſecond Tome* in the caſe of *Gilardus*, on whom he conferred the Biſhoprick of St. *Davids* by his Proviſion, who yet was enforced to quit it. To which I ſhall here annex his memorable *Patents* prohibiting both the ayding and conſecrating of *Sylveſter* (this Popes Archdeacon) to the Biſhoprick of **Sajis* (*Sagienſis*) in *Normandy*, under the Archbiſhoprick of *Rhoan* about the ſame time, there caſually omitted.

(p) Page 234 to 238.

* Auguſt Barboſa, De Offic. & Pot. Epiſcopi, p. 51.

REX, &c. *Omnibus Clericis per Epiſcopatum* Sagienſem *conſtitutis*, &c. *Datum eſt nobis intelligi*, quod vos in pecunia et aliis ſuccuritis Silveſtro *Archid.* Sagienſi, qui contra Nos et dignitatem noſtram in Epiſcopatu Sagienſi nititur promoveri. *Unde vobis mandamus*, quod de auxilio ei conferendo vel in pecunia vel alio modo deſiſtatis, quod niſi feceritis omittere non poterimus, quin de vobis faciemus ſicut de illis qui contra Nos et dignitatem noſtram operantur. *Teſte meipſo apud* Argent. 12 *die* Aug.

Pat. 4 Johan. Regis, m. 11.

REX, &c. W. *Dei gratia* Rothomag. *Archiepiſcopo*, &c. *Audivimus*, quod Dominus Papa in Silveſtrum *Archid.* ſuam contulit voluntatem, quod Juri ſcripto et noſtræ pariter contrarium exiſtit dignitati, ſi exinde non fuerimus requiſiti. Et præterea cum ſit notorium, illum ſuper crimine adulterii publica laborare infamia, quod coram vobis, vel ubi fuerit neceſſe ſufficienter oſtendetur; unde appellavimus et adhuc appellamus, rogantes, ne contra jus et dignitatem noſtram, necnon et in dedecus Eccleſiæ Sagienſis, imma totius Eccleſiæ Dei, munus ei conſecrationis impendatis. *Teſte meipſo apud* Cenom. 13 *die* Auguſti.

Pat. ibid. m. 16.

Sub eadem forma ſcribitur Ph. Senon. Archiepiſco de eodem Silveſtro.

To which I ſhall ſubjoyn this Patent, evidencing his Eccleſiaſtical Soveraignty and Juſtice, in the equal diſtribution of the Rents of the Church at *Poictiers*, which ſome Non-reſident Canons had engroſſed, to thoſe who did their duties in it,

it, by his own Royal Authority, without the Pope, who alone claimed this as his Papal Prerogative.

Pat. 4 Johan. Regis, m. 9.

REX, &c. *Seneſcall.* Pict. *et Seneſc.* Andeg. *Datum eſt nobis intelligi,* quod quidam Canonici Eccleſiæ beati Hilarii Pict. tenent ad firmam reditus ejuſdem Eccleſiæ; ita quod alii Canonici qui aſſidue ibi Deo deſerviunt inde parum aut nichil percipiant. Et quia hoc nolumus ſuſtinere, Vobis mandamus, quod ſine dilatione omnia bona prædictæ Eccleſiæ quæ ſunt per ballivam veſtram in commune redigi faciatis; Ita quod bona illa per legales portiones ſingulis Canonicis per eoſdem Canonicos, ſicut fieri debet diviſdantur.

What other oppoſitions were made againſt Papal *Proviſions* by our King *John*, *Henry* the 3d and *Edward* the 1. the *Records* in the *Second*, and *Index* to this *Third Tome* will inform you.

(q) Here, p. 684, &c.

4ly. Whereas (*q*) Pope *Boniface* the 8th. prohibited by his *Conſtitutions*, any Subſidy to be granted to King *Edward* the 1. or any other King, by Biſhops or any Eccleſiaſtical perſons for defence of the Church or Realm, without his and his Succeſſors previous aſſents thereto, and their concurring conſents, under pain of Excommunication; yet Popes, Biſhops, and Canoniſts averre, That every *Biſhop*, *Archbiſhop*, *Patriarch*, *Cardinal*, *Pope*, and *Popes Legate*, may both by Law and right demand & exact charitable Subſidies from their Clergy, Churches under them, without the previous conſent of their *Kings*, upon ſeveral occaſions; which they thus expreſs.

(r) Barthol-mæus Bellencinus Tractat. de Charitativis Subſidiis throughout. Auguſtinus Barboſa, De Officio & Poteſtate Epiſcopi, Pars 3. Alleg. 87. Epiſcopus Charitativum ſubſiduum quando & à quibus exigere poteſt, ſect 1. to 56, with ſundry others there cited by them.

(r) Epiſcopi, Archiepiſcopi, Primates ſeu Patriarchæ, in Civitatibus et Diocæſibus ſuis, poſſunt data manifeſta et rationabili cauſa, jure exigere charitativum ſubſidium, et ſubditos Clericos et Eccleſias compellere ad tale ſubſidium ſolvendum; And that, in cauſa quæ ſpectat ad dignitatem et honorem Eccleſiæ; Pro ſua conſecratione; pro ſolutione debitorum in Eccleſiæ utilitatem contractorum; cum magnas fecerit expenſas in negotiis totius Diocæſis communibus pertractandis; pro fabrica ſuæ Eccleſiæ, vel alia re continente illius publicam utilitatem, vel conſervationem. Si iter ſit facturus ad Papam, vel Imperatorem, vel Regem ob Eccleſiæ ſuæ utilitatem; Si viſitaturus ſit limina Apoſtolorum; ſi velit ire ad Concilium provinciale; ſi impenſas neceſſarias et alicujus momenti fecerit in adventu Imperatoris, Regis, Principis vel Legati; And that quoties rationabilis cauſa ſubſit non ſolum

ſolum ſemel, ſed etiam pluribus vicibus poſſunt charitativum ſubſidium exigere, and alſo ex urgenti cauſa ultra taxam ſolitam. Yea *Cardinales, cum in Eccleſiis ſuorum titulorum habent Juriſdictionem*; may do the like. As for the Pope, (18) De *Romano* Pontifice dubitari non poteſt quin hoc ſubſidium poſſit exigere ab omnibus Clericis et Eccleſiis; tum quia liberam habet adminiſtrationem omnium beneficiorum, tum quia eſt Dominus et Ordinarius cunctorum, Epiſcopus univerſalis Eccleſiæ, et Ordinarius Ordinariorum. Hinc generalis exemptio non cenſetur exiſmere a ſubſidio per Papam impoſito; niſi qui ſpeciali privilegio ab hujuſmodi onere nominatim eximeretur; quod non eſt præſumendum, quippe quod illud concedi non conſuevit. And that Legatus Papæ cui commiſſum eſt plenæ legationis officium in ſua provincia, cum omnia libere et immedite poſſit quæ quilibet Ordinarius jure vel conſuetudine poteſt, habet jus exigendi hujuſmodi ſubſidium in Eccleſiis provinciæ ſibi delegatæ. Upon which grounds, *Popes*, *Cardinals*, *Popes Legates*, *Nuncioes*, and other *Romiſh Harpyes* impoſed, exacted many Diſmes, Subſidies, Procurations, and other exceſſive Payments of divers kindes from our *Engliſh* and *Iriſh Prelates*, *Clergy*, and our Archbiſhops, Biſhops, from the inferiour Clergy during the premiſed Kings reigns, to their great oppreſſion; which they frequently oppoſed, complained againſt, and our Kings thereupon prohibited by their *Writs*, *Lawes* here re-cited.

(18) Barthol. mæus Bellencinus Tractat. de Charitativo Subſidio, qu. 1. nu. 1. qu. 58. nu. 3. qu. 9, & 12. Auguſtinus Barboſa, De Officio & Poteſtate Epiſcopi, Pars 3. Alleg. 83. ſect. 22, 23, 24. with other Canoniſts quoted by them; & Marc. de Vulſon, De la Puiſſance du Pape, l. 1. c. 15.

I might adde to theſe the Soveraign power Popes claim not only over all *Chriſtian Kings*, *Princes*, but all *Lay-mens* perſons, eſtates, and reputations, (t) as to *condemn, or declare them hereticks, or infamous perſons, uncapable to enjoy, inherit, conferr lands, goods, offices, Legacies, to make Teſtaments, or proſecute ſuits in any Courts to recover their rights; to ſuſpend them from their temporal offices, or reſtore them when ſuſpended, deprived by their Princes, and their fames, when deemed infamous; yea to abrogate their temporal Lawes, Statutes, Cuſtoms: to exempt children from the power of their parents, and Subjects from their obedience, oathes, ſervices to their Lords, and Soveraigns: to make and declare Baſtards to be legitimate, and lawfull children illegitimate, as eſpecially to Crownes, ſo to all temporal goods and inheritances*; To *interdict their Realms, Cities, Lands, Rents, and all communion with them*; yea to *impriſon, kill, burn them as hereticks, infidels, blaſphemers a-*

(t) Gratian Cauſ. 15. qu. 6. Cauſ. 16. qu. 7. Cauſ. 23. qu. 5. Marc de Vulſon, De la Puiſſance de la Pape, l. 1. c. 1. 16, 18. Aug. Barboſa, De Officio & Pot. Epiſcopi, pars 1. Tit. 3. c. 2. Dr. Marta, de Juriſdictione, pars 4. Caſus 4. to c. 53. & the Popes, Authors quoted by them.

gainſt

gainſt the Holy Ghoſt, and accurſe, damn them to all eternity, for oppoſing or denying this their tranſcendent power. Yea they aſſert this for Catholick Apoſtolike Law and Doctrine; (u) **Non ſunt homicidæ qui adverſus excommunicatos zelo Catholicæ matris Eccleſiæ accenſi excommunicatos interficiunt;** as Pope *Urban* the 2d. and *Gratian* poſitively determine: And Pope *Nicholas* the 2d. in his Letter to the *French Army* imployed againſt the *Waldenſes*, ſuperaddes thereto; **Omnium veſtrum noſſe volumus charitatem, quiſquis in hoc belli certamine fideliter mortuus fuerit** (though otherwiſe never ſo flagitious a perſon) **regna illi cæleſtia minime negabuntur.**

(u) Gratian, cauſa 23. qu. 5. cap. *Omnium & Excommunicatum*, f. 460. in my Edition, Pariſiis, 1531.

Theſe, with many other Aſſertions of like nature, you may read at large in *Gratian*, Pope *Innocent* 3. *Corpus Juris Canonici*; the *Extravagants*, *Aſtexanus*, *Aſtenſis*, Dr. *Marta*, *Auguſtinus Barboſa*, *Auguſtinus Triumphus*, *Alex. Carerius*, *Reſtaurus Caſtaldus*, *Petrus Ancharanus*, *Sylveſtre*, *Baptiſta Trovomala*, *Angelus de Clavaſio*; *Franciſcus Zerula*, *Bartholomæus Brixienſis*, Cardinal *Hoſtienſis*, *Antonius Corſetus*, with ſundry other *Popes* and *Doctors* of the *Canon Law*, quoted by them; by whoſe *Codes*, *Books*, *Gloſſes*, *Lectures*, the *Popes* and *Prelates* Soveraignties, Uſurpations over all *Chriſtian Emperors*, *Kings*, *Princes*, *Nobles*, *Laymens* Crowns, kingdoms, perſons, conſciences, eſtates, Lawes, Liberties, have been principally aſſerted, advanced, ſupported, and continued in the world.

By what Popes, perſons, means, arts, and for what ends the *Canon Law* was firſt compiled into a *Code* or *Body*, publiſhed, taught, ſtudied, propagated, read on, profeſſed, executed, and the Doctors, Students, Profeſſors of it encouraged, multiplyed, maintained in Univerſities, and advanced to the Higheſt Offices, Dignities, Preferments in the Church, as well as in Eccleſiaſtical Courts, and entruſted with the vigorous execution of them under Popes, Archbiſhops, Biſhops, as their *Vicars-Generals*, *Chancellors*, *Commiſſaries*, *Surrogates*, *Officials*, *Delegates*, and what bad effects it produced, to the great prejudice and injury of all Chriſtian Kings, Subjects, Realms, (to avoyd all ſuſpition of *prejudice* or *partiality* in my ſelf;) I ſhall crave leave to inform you in the words of a moſt learned *French Civilian*, *Marc de Vulſon* (an *Advocate* in the Court of *Paris*, afterwards a *Counſellor* of the *French King* in the *Court of Parliament of Dauphine*, a perſon beyond exception) in his Book, *De la Puiſſance*

(x) A Geneve, 1635. p. 200, to 204.

iſſance du Pape, & des Libertez de l'Egliſe Gallicane, lib. 3. c. 17. *de Decret de* Gratian, et du Corps du Droict Canon; wherein, after a brief Account of the time and manner of the Emperor *Juſtinians* compiling his *Code* and *Body of the Imperial Lawes*, and their diſuſage for near 600 years both in *Italy*, *France*, *Germany*, and the *Weſtern Empire*, till about the year 1118. *when the Emperor* Lothaire *the* 2. *at the inſtigation and ſollicitation of* Irnerius, *who then newly found them, ordered that they ſhould be read in Schools, and the Judges to judge according to the* Roman *Civil Laws, to the great contentment of the learned Doctors and Studens thereof*: thereupon informs us; that in imitation of the Emp. *Juſtinian*;

† Les Papes, qui deſja avoyent beaucop empietté ſur la Juriſdiction et authorite des Empereurs et Rois, *recognoiſſans* que par le reſtabliſſement de ces belles loix, *leur deſſein ſeroit grandement empeſche*, qui eſtoit de ſerendre Souverains, auſſibien au temporel comme au ſpirituel: et de former un Eſtat et Souveraineté, dans l'Eſtat et Empire des Rois, Princes et Monarques, *eſtimerent qu'il faloit a l envi et imitation du dit* Juſtinian, dreſſer un Corps et Code de leurs Loix et Conſtitutions, le faire lire et interpreter es Eſcholes et Univerſitez, et donner ordre que touts les affaires ſe jugeaſſent par icelles, ſi faire ſe pouvoit. A ces fins fut compile par Gratian le grand Decret, qui fut publie et authoriſe par le Pape Eugene 3. l'an 1151. *et ainſi vingt ans apres que le Corps du droict de* Juſtinian *fut reſtabli en* Italie *et* Almagne *par* Lothaire. Et pour le faire tant plus facilement reconnoiſtr, *ledit livre et volume de* Gratian *ne fut pas ſeulement compoſe des Ordonances des* Papes, *come le* Code *de* Juſtinian *des* Conſtitutions *des* Empereurs, *mais auſsi de quelques paſſages de* l'Eſcriture Saincte: *de pluſieurs ſentences des* anciens Peres: *de quelques loix prinſes deſdites* Digeſtes *es* Code *de* Juſtinian, *et autres vrais et bons autheurs.* Vray eſt que les uns ſont tronquez, les autres alleguez a contre-ſens, les autres falſifiez ouvertement: Et ſur tout, le dit livre eſt remply d'un treſgrand et quaſi infini nombre de paſſages tirez des eſcrits faux et ſuppoſez, dont a eſte parle † cy devant: comme ſont les Canons dits des Apoſtres; les Epiſtres attribuees aux premiers Eveſques de Rome, qui y ſont quaſi entierement tranſcrites, (*tant avoit-il peur d y faillir*,) du Concile tenu a Rome ſous Sylveſtre: de l'acte ou inſtrument de la pretendue donation de Conſtantin: des Capitulaires attribuez a Charlemagne et autres.

† ibid. p. 201, 201.

† Lib. 3. c. 125 13, 14.

Pour interpreter ces Loix et Canons, Gratian meſme compilateur d'iceux fut incontinent envoye a Paris, et par ce moyen le Droict Canon fut pluſtoſt receu en France, que le droict de Juſtinian, *ainſi qu'a tresbien remarque* Monſieur *de* l'Eſtrang *Preſident en Cour de Parlement de* Tolouſe *en ſon* Arreſt 8. *Et au livre 6. ch. 9.* de ſon Hiſtoire de Gaules, *Et pour le mieux authoriſer*, Celeſtin 3. (*qui ſiegea l' an* 1191.) oſa ordonner, qu'a Paris les cauſes pecuniaires des Clercs ſeront decidees par le droict Canon *C.* quod Clericis extra de foro comp. Et Honorius 3. environ l'an 1210. fut ſi hardi de † defendre, ſous peine d'excommuni-

Nota.

† See Tom. 2. p. 8. Dr. Marta de Juriſdictione, pars 4. Caſus 50 & 60.

munication, de lire et avir le Droict Civil a Paris, afin que tant mieux on s'addonne a ſon Droict Canon (qu'il appelle les Saincts cayers) (*ſacram paginam*) *c. ſuper ſpecula, extra. de previleg. et exceſſ. privileg.* comme ſi cela eſtoit quelque beau privilege, de ſe mettre en la place du Roy, et d'enterpreuder de faire les loix en ſon Royaume, et de defendre la lecture du Droict Civil. *Et* Alexandre 3. *ſous pretexte de corriger les abus*, s'ingere de bailler des loix a l'Univerſite de *Paris*, et defend au Chancellier, ou Recteur d'icelle, d'exiger aucune choſe pour la licence et permiſſion d'y enſeigner les ſciences, *c.* quanto de Magiſtris. *Et* Innocent 3. *fit auſſi certaine ordonnance*, Que ſous peine d'excommunication, aucun ne print a louange le logis loue par un autre: ce qui n'appartient qu'au Roy. Par la reception de ce corps Canon es Univerſites de France, fut faite une ſi grande breſche a nos Eſgliſes *Francoiſes*, que les Papes et leurs armees y ſont entrees a cheval. Et de la en avant, ils ont a leur plaiſir erige des Eſcholes et Univerſitez France, ce qu'ils n'avoyent oſe enterprendre au paravant: Ont * donne des privileges a celles qui avoyent eſte eſtablies par nos Roys, et aux membres d'icelles: Ont eſtabli leurs Doctorats, et preſcrit la forme et les ceremonies de leur eſtabliſſement: Ont inſtitue, et eſtabli eſdites Univerſites des Juges conſervateurs de leurs privileges, ſe ſont fait preſter ſerment: Ont donne ordre que tous les ſuppoſts et membres deſdites Univerſites et Colleges, du moins les principaux, fuſſent Clercs non maries: Que les principales charges, et benefices Eccleſiaſtiques fuſſent affectes aux Docteurs, ou licenties en Droict Canon, ou en la Theologie de Pierre Lombard, et non a autres: Que les Eſcholiers eſtudians auſdites Univerſites, fuſſent exempts de la Juriſdiction civile: Que ſans la licenſe, et expreſſe permiſſion du Siege Romain, aucun de l'Univerſite de Paris ne puſt eſtre excommunie, ou interdit pur quelque cauſe et ſuject que ce fuſt: Que les Eſcholiers de l'Univerſite de Paris, ſoyent exempts de touts ſortes de peages; Que les Docteurs de Paris puiſſent lire et enſeigner par tout le monde. Incontinent un nombre infini de perſonnes s'addonna a la profeſſion du Droict et ſcience Canonique, puiſque le profit et l'honneur eſtoit evident et certein. Pluſieurs taſcherent a l'envi de commenter, gloſer, et apoſtiler ledit Decret, et d'extoller la dignite et puiſſance du Pape. Par ce moyen le Pape s'acquit une grande arme de creatures et ſuject au milieu de la France: et ſans frais et deſpens forma un puiſſant Eſtat dans les Eſtats du Roy. Et le tout ſous le beau manteau de conſcience, religion, et ſpiritualite; au veu et ſceu de nos Roys, et de leurs principaux Officers et de tout les *Prelats de France, qui demeurerent muets en ceſt endroit. *Bien eſt vray, que les* Decretales *des* Papes *depuis le dit* Eugene 3. *ayans eſte publiees ſeparement, et ſans meſlange d'aucune bone piece, premierement par* * Gregoire 9. *environ l'an* 1230. *& conſequement par* Boniface 8. Clement 5. *et* Jean 22. *la laider d'icelles* en fit conſiderer l'importance, et au Roy et a ſa Cour de Parlement de Paris, aux Prelats de France et a l'Univerſite: et fut cauſe de l'oppoſition et impeſchement donne a la reception deſdites Decretales. Mais ce fut bien tard, et apres la bataille gaignee. Et ceux la ce trompent, qui eſtiment que ſeulement des lors les Decrets prindrent

Nota.

* The like they did in our Univerſities of *Oxford* and *Cambridge* in *England*; and in the Univerſities in *Italy*, *Germany*, *Spain*, and advanced the Greateſt Doctors of the Canon Law as their beſt Advocates, aſſertors of their uſurped Eccleſiaſtical & Secular Monarchy, to the greateſt offices and preferments. See 37 H. 8. c. 17.

* Whoſe power & Juriſdiction they aſſerted, enlarged, as well as the Popes.

* Upon which occaſion our Kirg *Henry* the 3d. publiſhed his premiſed Proclamation againſt them.

dyent des alles. Car les Decretales des quatre vingts quatorze Papes precedents, vrayes ou ſuppoſees qui ont eſte inſerees audit Decret de Gratian, contiennent en ſubſtance les meſmes choſes que les dernieres, qui ne font que mieux exprimer et mettre en practique les Doctrines et maximes des premieres, que ſe reduiſent a ceci; Que le Pape eſt *Lieutenant de Jeſus Chriſt*, et a tout pouvoir tant au temporel qu'au ſpirituel: Eſt juge de tout le monde, et ne puit eſtre juge par aucune creature. † Que ſes Conſtitutions et Decretales doivent eſtre inviolablement obſervees par tous: Que celuy qui meſpriſe ou enfreint ſes mandements, ou diminueſes privileges et ſon authorite, ou n'eſt d'accord avec luy, commet crime d'hereſie et d'infidelite, blaſpheme contre le Saint Eſprit, eſt anathema et damne. Et auſſi nos Roys ont permis par meſgarde et tolerance, que leſdites Decretales ayent eſte leues et interpretees es Univerſites, et que la jeuneſſe Fraincoſe fuſt imbibee de ceſte doctrine. *Et neantmoins ces oppoſitions, quoy que tardives, ſervirent a empeſcher*, que la liberte des Eſgliſes de Gaule ne fuſt intirement eſteinte, *comme ſera dit cy apres.*

† See his lib. 1. c. 1, 2, 3, 4, 5.

By which memorable Diſcourſe of *De Vulſon*, and the apparent frauds of *Popes*, *Gratian*, and other *Canoniſts*, in leaving out of their *Codes* and *Collections* of *Councils* all *Canons* made in the general, famous, ancient *Councils* of *Epheſus*, *Laodicea*, *Conſtantinople*, *Chalcedon*, and thoſe they *falſly attribute to the Apoſtles*, which contradict the Popes Supremacy, and inſerting *ſpurious Canons*, *Councils*, *Synods*, *Decretal Epiſtles* of *antient Popes* into them, which only advanced their *Papal* and *Epiſcopal Hierarchy* and *Juriſdictions*, in, over all Temporal and Spiritual perſons, cauſes, (which (*a*) *he* and others at large demonſtrate;) we may clearly diſcern, both the reaſons, providence, prudence, juſtice of our King *Stephen* and *Henry* the 3d, in prohibiting, cruſhing the *Books*, *Readings*, *Schooles*, *Profeſſion* of the *Canon Laws* and *Decretals* in the Univerſity of *Oxford*, and in *London*, when firſt introduced into our Realm, like ſo many (*b*) *Cockatrice eggs*, which would ſoon prove *fiery flying ſerpents*, yea *vipers* to *them*, their *ſubjects*, *Realms*; of King *Henry* the 3. and *Edward* the firſt their *Prohibitions*, *Appeals*, *Proteſts* againſt the *Conſtitutions* of Archbiſhop *Boniface*, *Peckham*, *Stratford*, with the forecited Statutes of King *Henry* the 8. *Edward* the 6. and their Parliaments, made againſt them and the Canon Law; and what little reaſon our *Kings*, *Parliaments*, *Nobles*, or *Commons* have, to countenance or ſupport theſe *Canon Lawes* and *Conſtitutions*, or the ſtudy, profeſſion, uſe, or execution of them within their Dominions; againſt which not only two eminent

(a) De la Puiſſance du Pape, l. 3. c. 2. to 18. See Petrus de Marca, De Concordia Sacerdotii & Imperii, lib. 7. c. 20. n. 1, to 8. c. 25. n. 1. 3. lib. 3. c. 5. n. 11.

(b) Iſa. 14. 29. c. 59. 5.

nent *Martyrs*, to wit, Mr. *William Tyndall*, and (*c*) Sir *John Borthwicke*, together with *William Wraughton* in his *Hunting* and *Reſcuing* of the *Romiſh Fox*, (the Pope and his Prelates) dedicated to King *Henry* the 8. the Author of a judicious *Treatiſe, expreſſing the Cauſes of the Diviſions between the Spiritualty and the Temporalty*, printed *cum privilegio* in *Henry* the 8. his reign, ch. 3, 4, 5, to 16. with others in that age have made many large *Diſcourſes*, ſetting forth their *dangers*, *miſchiefs*, together with their *Nullity*; but even our famous learned King *Henry* the 2. long before them, moſt ſtrenuouſly oppoſed and ſuppreſſed. For, (*e*) *Lucas Dacherius* (a modern *Benedictine* Monk) and (*f*) *Stephanus Baluzius*, a learned Reverend *Canon* and *Canoniſt* of *Rhemes*, relate; that this our Noble, prudent, learned King *Henry* then Duke of *Normandy*, was ſo highly diſpleaſed with *Hugo* Archbiſhop of *Rhoan* for putting the *Canon Law* and new *Canons* made and confirmed by Pope *Innocent* the 2d. in the *Council* of *Rhemes* in execution, (without his *Royal aſſent*, and the States of *Normandy*) by *exacting profeſſion and obedience from the Abbots of* Normandy, **contra conſuetudinem**, (a *punctilio* in reſpect of other incroachments upon his Regality of an higher nature, by *Becket* and our *Prelates*) and for his juſtification therof, **vetuſtis Canonibus**, *qui volunt Abbates eſſe in poteſtate Epiſcoporum*, **et Decreto Concilii** *Rhemenſis* **paulo ante celebrati**; *ut vel* OB HOC IPSUM *ad* Innocentium *ſcribens*, MINATUS EST APERTE DIVORTIUM AB APOSTOLICA SEDE, NISI PRÆSUMPTIO ILLIUS ARCHIEPISCOPI REPRIMERETUR: which ſo terrified this Pope, that he thereupon writ thus to the Archbiſhop; *Quod profectò, quamvis juſtum fuerit*, **et a nobis in Conſilio** *Rhemenſi* **mandatum**; *pro ejus (tamen) caritate aliquando condeſcendere debemus, & pro tempore*, **ipſius voluntati aſſenſum præbere.** Beſides, this our learned prudent King, (*g*) **propter diſſentiones et diſcordias ſæpius emergentes inter Clerum et Juſticiarios Domini Regis et Magnates Regni,** occaſioned by theſe *Canon Lawes*, made ſundry Edicts expreſly againſt the *Popes*, *Councils*, *Prelates Canons and Conſtitutions exempting Clerks* from *Secular Juriſdiction* and puniſhments by Temporal Judges for Murders, Robberies, Rapes, and other Offences; Concerning the *elections*, *homages* and *fealty* of *Biſhops*, the vacancies of *Biſhopricks*, *Excommunications*,

(*c*) In his Obedience of a Chriſtian man *London* 1573. *Cum privilegio.* p. 114, 115.
(*d*) Fox Acts & Mon. Edit. ult. Vol. 2. p. 610.
(*e*) Tom. 4. Spicilegii.
(*f*) Admonitio de Editione 11 Sect. l. 3. c. 13. Sect. 9. Petri de Marca Archiep. Pariſienſis, De Concordia Sacerdotii & Imperii. Pariſ. 1663 *cum Privilegio*, p. 198, 199.
(*g*) Mat. Paris Hiſt. Angl. p. 96, 97. Gervaſii Chron. col. 1386, 1387 Gul. Neubrigenſis Rerum Angl. l. 2. c. 6. & Here Tom. 1. p. 609, to 617.

communications,

communications, *Appeals*, *Citations*, and *accuſations of Laymen before Biſhops*, of *Pleas* of *Advowſons* and other cauſes not belonging to their Juriſdiction; Which Lawes and **Avitæ Conſuetudines regni**, ſpecified in 16. *Articles* drawn up in the *forecited* Council of *Clarendon*, (*h*): **Archiepiſcopi, Epiſcopi, Abbates, Priores, Clerus, cum Comitibus et Baronibus ac Proceribus cunctis** (by his Royal command) **juraverunt, et firmiter in verba veritatis promiſerunt viva voce tenendas et obſervandas, Domino Regi et hæredibus ſuis, bona fide et abſque malo ingenio imperpetuum.** *His itaque geſtis*, **poteſtas laica in res et perſonas eccleſiaſticas, omnia pro libitu,** (as *Mat. Paris* complains) **ECCLESIASTICO JURE CONTEMPTO, uſurpabat; tacentibus, aut vix murmurantibus Epiſcopis, potius quam reſiſtentibus;** except only that Trayterous Archbiſhop *Thomas Becket*, whoſe goods, temporalties the King ſeiſed, and baniſhed him the Realm for oppoſing them, *againſt his Oath*; which brought him to a tragical death.

(h) Mat. Paris Hiſt. Angl. p. 97. Mat. Parker, Antiq. Eccleſ. Brit. p. 122, 123. See Tom. 1. p. 616. &c.

What great Cauſe he and our premiſed Kings had thus to oppoſe, ſuppreſs the Canons and Conſtitutions of Popes, yea of their own Prelates in their Councils and Synods, will further appear by theſe remarkable Clauſes in the moſt inſolent Epiſtle of *John Peckham* Archbiſhop of *Canterbury*, Ann. 9 *E.* 1. who then making ſundry Conſtitutions in a Provincial Council, prejudicial to the Kings Crown and Dignity, againſt (1) *two ſucceſſive Writs of Prohibition* to him and his Suffragans; for which King *Edward* the 1. was highly incenſed againſt them, the Archbiſhop thereupon thus juſtified them by theſe Antimonarchical Topicks, among others; (2) **Quia igitur ab antiquo tempore inter Reges et Magnates Angliæ ex parte una; et Archiepiſcopos et Epiſcopos, ac Clerum ejuſdem Regni ex altera, duravit amara diſſentio, pro oppreſſione Eccleſiæ, contra Decreta Summorum Pontificum, contra Statuta Conciliorum, contra Sanctiones orthodoxorum Patrum, in quibus tribus ſumma authoritas, ſumma veritas, ſumma ſanctitas exiſtit.** *Supplicamus Regiæ Majeſtati, &c.* (inſtead of ſubmitting himſelf and his Conſtitutions to the King and his Laws, as he ought;) to ſubmit himſelf, his Crown, Lawes, to the *Canons*, *Lawes*, and *Conſtitutions* then made by him and his Suffragans in the Council of *Lambheth*; becauſe there was no other means but this, to put a period to the conteſts between them, concerning the Churches pretended Liberties,

(1) Pat. 8 E 1. m. 10. & Pat. 9 E. 1. m. 6. intus. Here, p. 252.

(2) Spelmanni Concil. Tom. 2. p. 341. & Here, p. 264, 265.

niſi

niſi vos ſublimitatem veſtram prædictis tribus, ſcilicet *Decretis Pontificum, Statutis Conciliorum, & Sanctionibus orthodoxorum Patrum* (as curtailed, miſ-cited, miſ-applyed by Popes, Prelates, and *Gratian*) juxta Domini beneplacitum, cum Catholicis Imperatoribus dignemini inclinare: Ex hiis enim tribus SUNT CANONES AGGREGATI, et Jura Coronæ veſtræ Chriſti Coronæ ſubponenda; cujus ſunt Diadema ac ſponſæ ſuæ monilia, *univerſæ Eccleſiaſticæ Libertates. Decretis autem Summorum Pontificum, auctoritatem dedit ſummus omnium Imperator, &c. Ergo, nulla obſtante conſuetudine obediendum eſt Canonicis Jerarchiæ impoſitis; hoc eſt, ſacris arbitriis Prælatorum, &c. (3) Idem eſt ergo Sanctorum Patrum definitionibus reſiſtere (publiſhed in their Canons and Conſtitutions) quod Spiritus Sancti oraculis adverſari. Hæc attendentes Imperatores Catholici LEGES SUAS OMNES SACRIS CANONIBUS SUBDIDERUNT, NE SCISMATICI, VEL HÆRETICI PUTERENTUR. A right Papal and Archiepiſcopal Reſolution, directly contradictory to (4) St. *Pauls* and (5) St. *Peters* Doctrine and Practiſe.

* *Nota.*

(3) Gratian Diſtinct. 22. & Cauſa 15. qu. 1 Marc de Vulſon, De la Puiſſance du Pape, l. 1. c. 4.

(4) Rom. 13. 1, to 7. Tit. 3. 1. (5) 1 Pet. 2. 12, 13.

I ſhall therefore cloze up this large Diſcourſe concerning the danger, miſchiefs of, & publike oppoſitions againſt Popes, Prelates *Decretals*, *Canons*, *Conſtitutions*, and the *Canon Laws* both in *England* and *elſwhere*, by evidencing their Nullity, invalidity to oblige either *Kings* or *Subjects*, eſpecially *Laymen*, unleſs ſpecially approved, received, ratified by them, their Nobles and people by † common conſent in Parliament; with the Reſolution of learned (i) *John Gerſon* Chancellor of *Paris*, yea of (k) *Didacus Covarruvias*, (l) *Navarrus*, (m) *Driedo*, (n) *Armilla*, (o) *Johannes Major*, and *Petrus de Marca*, late *Archbiſhop of Paris*, in his excellent elaborate learned Volume, (p) *De Concordia Sacerdotii & Imperii, ſeu Libertatibus Eccleſiæ* Gallicanæ, reviſed, enlarged by *Stephanus Baluzius*, printed *Pariſiis* 1663. *cum privilegio Regis*; (who quotes all theſe *Doctors*, and aſſerts their joynt Reſolutions herein in theſe poſitive termes,) **Certum eſt Legem nullam vim obtinere, ſi ab initio recepta non fuerit a ſubditis (eſpecially a Regibus) Nam et maxime præſumendum eſt eam legem quæ a Republica non recipitur, minime ea convenire. Huic conditioni magis videtur obnoxia Lex Eccleſiaſtica quam civilis, duplici ratione. Prima eſt, quia poteſtas Eccleſiaſtica conceptis verbis data eſt, (9) in ædificationem, non autem in deſtructionem**

† See Here, Tom. 1. p. 411, 429.

(i) Tract. de vita Spir. c. 4.
(k) Lib. 2. Var. Reſolut. c. 16. n. 6.
(l) In Summa c. 23. n 41.
(m) De Libert. Chriſtiana, l. 1 c. 9. d. c 2.
(n) Verbo Lex. nu. 11.
(o) Lib. 4 Diſt. 15. qu. 4.
(p) Lib. 2. c. 16. n. 5. p. 136. & l. 7. c. 28. n. 3. p. 292, 293.

(q) 2 Cor. 13. 10.

ſtructionem; *ut teſtatur Apoſtolus; unde ſequitur*, nihil obtrudendum eſſe fidelibus quod eos offendere aliquo pacto poſſet: atque ideo legem Eccleſiaſticam minus commodam pro non ſcripta eſſe habendam. *Secunda vero ratio hæc eſt, quia Chriſtus ipſe diſcrimen utriuſque poteſtatis in præceptis dandis, auctoritate ſua conſtituit*; (r) Reges gentium dominantur eorum; Vos autem non ſic, &c. *Et ipſe* Petrus, Non dominantes in Clero, ſed forma facti gregis, *Ita ut verus Dominatus ſit penes Reges, non autem penes Sacerdotes. Vehementer eſt* (ſ) Bernardus, *& fere totus in eo, ut hanc ſententiam* Eugenio *Pontifici perſuadeat*, Planum eſt, Apoſtolis interdicitur Dominatio, indicitur Miniſtratio.

(r) Mat. 20. 25. Lu. 22. 25.

(ſ) De Conſiderat. l. 2. cap. 6.

Upon which grounds this learned Archbiſhop *Marca* (though a great aſſerter of the Popes, *Canons*, Prelats Authority in other particulars) proves at large in *his 7 & 8 Books, *De Concordia Sacerdotii & Imperii*; That the Kings of *France*, *England*, *Spaine*, and *Emperors of Germany*, did moſt juſtly reſerve and retain to themſelves the Soveraign power in *elections*, *approbations*, *confirmations*, *inveſtitures and inſtitntions* of *Archbiſhops*, *Biſhops*, *Abbots*, *Priors*, *Deans*, *Prebends*, and other Eccleſiaſtical dignities, and juſtly receive the fruits, profits of *Biſhopricks*, *Monaſteries*, and preſent to the Prebendaries annexed to them during their vacancies by death, or tranſlations; yea, ſeiſe the *goods of Biſhops*, *Abbots*, *and others dying inteſtate*, *to their proper uſe*; as belonging to them by the ancient Lawes, Cuſtom of (t) *France*, *Normandy*, and *England*, though inhibited, condemned under ſevere Eccleſiaſtical Cenſures, by ſundry *Canons*, *Conſtitutions* of Popes, Biſhops, Synods, as *Sacriledge*, unleſſe in the Caſes of ſuch particular Churches, Monaſteries, as are exempted from ſuch ſeiſures of their Temporalties and profits by Kings, their Founders, or Patrons *ſpecial Charters*, out of *meer grace*, not *right*; yea he proves in his firſt Book and Chapters by ſundry *preſidents*, and particularly complains in his (u) *Dedicatory Epiſtle* to the late Grand Stateſman, Cardinal Duke of *Richelieu*, *Quod frequentes & pæne quotidianæ in actu rerum poſitis occurrunt contentiones, quæ ſecundum varias cauſarum figuras* ob dignitatem læſam, vel diminutam auctoritatem accenduntur, et Chriſtianæ Reipublicæ Principes inter ſe committunt; *& ambæ illæ Poteſtates* (ECCLESIASTICA ET REGIA) *quæ amico fœdere conjungi debuerant*, *in dedecus Chriſtiani nominis aliquando divellantur ab invicem; hominum vitio*; and that principally

* See alſo his lib. 3 c. 2. to 10. And lib. 4. cap. 8. to 21. in ſeveral particulars.

(t) See Here, Tom. 1. p. 615. Marca ibid. l. 8. c. 18, 19. p. 343, to 351. & c. 23, 24, 25, 26. & Pierre de Pithou, Des Libertez de L'eſgliſe Gallicane, p. 598, 1262. Here, p. 19.

(u) Prefixed to his Books, De Concordia Sacerdotii & Imperii.

cipally by executing of Popes, Prelates Canons, and Canon Laws, not publikely confirmed by the concurrent Authority of Chriſtian Kings, Parliaments, Realms, but obtruded on them againſt their wills. Which differences, Schiſms, Miſchiefs, can be neither totally nor finally compoſed, nor prevented, ſo long as ſuch Canons, Conſtitutions, Decrees ſhall have any force, countenance, continuance, and be rigorouſly executed in Eccleſiaſtical Courts, by Judges, Delegates, Officials, Canoniſts, only in Popes, or Biſhops own Names, rights, ſtiles, under their own ſeals alone, as * *independent* on the Crown.

* 1 Ed. 6. c. 2. 1. & 2. Phil. & Mar. c. 8.

For the clearer demonſtration whereof in our own Kingdom, I have with no ſmall pains and diligence, collected out of all the whole or decayed *files*, and confuſed heaps of broken, ſcattered *Original Writs*, and the *Plea-Rolls*, *Patent*, *Clauſe* and other *Rolls* in the *White Tower* Chappel or elſewhere, all Writs of Prohibitions iſſued out, and Attachments, Suits at our Kings or their grieved Subjects proſecutions, brought for contempts of them, yet extant, during the reigns of the 3. premiſed Kings, either againſt Popes Nuncioes, Collectors, Delegates, or our Archbiſhops, Biſhops, Archdeacons, Officials, Eccleſiaſtical Judges, or other perſons, upon ſeveral occaſions; but more eſpecially for holding, proſecuting ſuits belonging to theſe Kings Temporal Courts, and vexing their Subjects by illegal Excommunications, and Writs *de Excommunicato capiendo* grounded on them, on purpoſe to diſcourage, or diſable them, and deterr all others from ſuing for Prohibitions to reſtrain their Extravagant Uſurpations, in high contempt, and to the grand prejudice of the *Kings Crown*, *Dignity*, *Courts*, and *Royal Authority*; that ſo they might by degrees ingroſſe all temporal ſuits, cauſes into their own Courts, and trample all Secular Powers, Courts, Subjects, Laws, Liberties under their feet without controll; whereof I found ſuch multitudes, yet remaining, beſides thoſe quite putrified, torn, loſt or periſhed, as may not only *ſatiate* but *ſurfet* their *Readers*: the moſt whereof I have abbreviated, and inſerted into this *Tome*, as for the vindication of theſe Kings *Eccleſiaſtical Soveraignty*; and evidencing the inconſiſtency of theſe Canon Lawes and Conſtitutions with it, or the Kingdoms, Subjects peace and felicity; ſo for theſe two following reaſons.

First,

First; To juſtify the practiſe of our late and preſent Judges in granting Prohibitions to Eccleſiaſtical Perſons, Courts, to reſtrain their uſurpations, and extravagances of all kindes, according to their Oathes, dutyes, againſt the * *frequent clamors, and unjuſt complaints of our Archbiſhops, Biſhops, Canoniſts*, and others to our Kings and their Counſil, as well ſince the Reformation of Religion as before; being warranted by ſuch multitudes of Preſidents from year to year even in times of Popery, when Popes and Prelates were moſt predominant: which will make a conſiderable Addition to the Preſidents of Prohibitions in punier times, formerly collected by the Judges for their own defence.

* See Cooks 2 Inſtitutes, p. 599, to 619. & The Judges Treatiſe and Collections of Prohibitions upon Archbiſhop Bancrofts Complaint, 3 & 7 Jacobi.

Secondly, To evidence the manifold unceſſant grievances, oppreſſions, vexations of the Subjects of this Realm in former ages, by reaſon of theſe diverſities of Laws, Juriſdictions, Courts, eſpecially ſince the *Eccleſiaſtical* depend not on the King, Parliament, or Common Lawes of *England*, and are not executed by ſpecial Commiſſions from the King, limiting their Juriſdictions, Proceedings, (*y*) *by a derivative power from, by, and under him, nor in his Name, Right, Stile, Seal alone, like other Courts, and Proceſſe*; Nor yet by our Biſhops and Ordinaries themſelves, who ought perſonally to execute their Eccleſiaſtical Judicatures and Juriſdiction (eſpecially if appropriated by *divine right* to their Epiſcopal office, as many of them pretend;) who cannot delegate their Judicial authority to any ſubordinate Officers, no more then the Kings Judges, or Juſtices of Peace, and ought to judge in proper perſon, not by Proxy; or elſe totally to diſclaim their Judicial authority, if they want leiſure or skill to execute it; and not to ſell, rent, or farm it out upon account to indigent, covetous Chancellors, Vicars, Commiſſaries, Officials, Surrogates who will give moſt for it, or to their kinred or neareſt allyes; ſince theſe (*z*) *Officials, Surrogates in all ages, to fill their purſes, and make hay whiles the Sun ſhines, have moſt grievouſly vexed, fleeced, fleyed the people committed to their Epiſcopal care*, by Citations, Interdicts, Ex *officio*, and other illegal Oathes, Articles, proceedings, Excommunications, impriſonments upon Writs *de Excommunicato capiendo*, for pretended offences, defamations of hereſie, incontinency, perjury, or other crimes, upon fames, or accuſations raiſed by themſelves or their creatures;

(y) See 1 Ed. 6. c. 2. 37 H. 8 c. 17.

(z) Tota Officialis intentio eſt, ut ad opus Epiſcopi ſuæ, juriſdictionis commiſſas miſerimas oves, *quaſi vice illius tondeat, emungat, excoriat.* Iſti enim Epiſcoporum ſunt ſanguiſugæ, &c. & execrandis acquiſitionibus nihil ſibi præter peccati ſordem & fæculentiam retinentes. Iſti quaſi ſub umbra Epiſcopi, & obtentu juſtitiæ palliatæ *ſubditos opprimunt, Eccleſiaſ gravant*, &c. Pet. Bleſenſis Epiſt. 25. See Here, Tom. 2. p. 949, 950.

tures,or for trivial matters,contempts,non-payment of illega fees, or ſuing out Prohibitions to relieve themſelves by due courſe of Law , againſt their holding pleas of cauſes not belonging to them;whereby they have not only been banded up and down from *Court* to *Court*,*place* to *place*,like *Tennis Balls*, but even grownd to powder, like *corn between two Milſtones*, to their extraordinary oppreſſion, impoveriſhing,and diſcontent. Yea, the charges, delayes, difficulties in ſuing out *Prohibitions* for their juſt relief (eſpecially when Biſhops become predominant State-Officers) have been ſo great, that they have oft-times proved as bad, nay worſe then the maladies they ſhould redreſſe; ſo that thouſands have rather choſen to ſubmit to their Uſurpations, extravagant exactions, cenſures, and to purchaſe abſolutions from their excommunications, vexations, ſequeſtrations upon any terms, at deareſt rates, or to languiſh, periſh under them, then to ſeek redreſs againſt, and ſtrenuouſly to oppoſe them.

If theſe my Collections through Gods bleſſing on, and Your honorable Protection of them, ſhall prove inſtrumental to redreſs theſe publike abuſes and uſurpations,upon the Crown,Laws, & peoples Liberties; to ſettle a future conſtant harmony between the *Crown* and *Miter*, the *Laity* and *Clergy*, to the Glory of God,the Safety and advancement of the Proteſtant Religion ; that ſo we may all from henceforth (*a*) *endeavour to keep the unity of the Spirit in the bond of peace*, (*b*) *increaſe and abound in love one towards another*; (*c*) *love one another with a pure heart fervently*; and *not* (*d*) *bite*, *devour one another* any longer, leſt we *be conſumed one of another*, and become a *prey* to our *common Romiſh adverſaries* , now ſwarming every where amongſt us, (fomenting our *Diviſions*, *Schiſms*, *animoſities* againſt, and uſurpations upon each other;) I ſhall bleſs God for ſuch a happy ſucceſs thereof; and endeavour (through his Divine aſſiſtance) with all convenient expedition to compleat, publiſh my intended ſucceeding *Tomes* of this *Heroick Subject*.

(a) Epheſ.4.3.

(b) 1 Theſ. 3. 12.

(c) 1 Pet.1.22. c. 3. 8.

(d) Gal. 5. 15.

In the mean time, I moſt humbly crave Your *candid Acceptation* and *Protection* of this *Volume*, and the continuance of Your former *cordial affections* to,

Your Honors, Worſhips moſt devoted Servant,

From my Study in *Lincolnes Inne*, *July* 25. 1668.

WILLIAM PRYNNE.

To

To the Ingenuous Readers, *especially* Profeſſors, Students *of the* COMMON LAW, *and* ENGLISH ANTIQUITIES.

GENTLEMEN,

I Here preſent to your judicious *View* and *peruſal*, a large *Tome*, conſiſting for the moſt part of *Records*, *Writs*, *Epiſtles*, *Patents*, *Bulls*, *Procurations*, *Antiquities* not formerly printed, relating principally to the *Eccleſiaſtical*, and ſome *Civil* affairs of greateſt note, in *England*, *Scotland*, *France*, *Ireland*, *Rome*, during the reigns of King *John*, *Henry* the 3d. and *Edward* the *firſt*: many of which I reſcued as well from *duſt* and *putrefaction*, as *oblivion*, and here bring forth to publike light, for the *information*, benefit of the *preſent* and *ſucceeding* age. Their particular *Contents* you may read at leiſure in the *Tome* it ſelf, all Epitomized in the *Title*, *Chapters*, but eſpecially in the 14 *Tables to it*; wherein every of you may with *ſpeed* and *facility* finde, ſelect ſuch *Records* and *paſſages*, as are moſt ſuitable to his *Profeſſion*, *Studies*, *Genius*, or emergent *Occaſions*; and all *Great Officers* both in *Church*, *State*, *Courts of Juſtice*, *Common Lawyers*, *Canoniſts*, *Parliament Members*, *Hiſtorians*, *Heraulds*, *Divines*, as well of the *Roman* as *Reformed Religion*, may find ſome *Antiquities*, *Rarities*, which may either *inſtruct*, *direct*, *aſſiſt*, *advantage* them at ſome time or other, though perchance ſundry of them may ſeem *trivial*, *uſeleſſe*, or *ſuperfluous* for the preſent, unto many.

The *multiplicity*, *variety* of the *Records* are ſuch, that I could only collect and digeſt them into a *Chronological Order*, (like Caſes in our *Year-books* and *Reports*, independent on, and *diverſe* from each other,) and that in a *rude*, *plain*, *unpoliſhed ſtile*, moſt ſutable to *old moth-eaten*, *lacerated*, *muſty Records* and *Antiquities*, overſpred with *duſt* and *Cobwebs* (as very many of them were) my other *publike imployments* and extraordinary *Diverſions*, affording me not ſufficient time to *poliſh* or ſet them forth in a *neater Dreſſe*, or in *delicate Language* now moſt in *faſhion*, fitter to garniſh *new Comedies*, *Play-books*, than *grave*, *ſerious Antiquities*.

Since the finiſhing of my *Additional Appendix* of *Records* in the reigns of King *John*, and *Henry* the 3. prefixed to this *Tome*, I peruſed moſt of the *Records* in their reigns and *Edward* the firſts, (with all of *Henry* the 1. and 2.) extant in the ſeveral *Treaſuries*, *Offices* in the Court of *Exchequer*; ſome whereof I have inſerted into my *Epiſtle Dedicatory*: I ſhall here make bold to preſent you with two more in the Reign of King *Henry* the 3d. worthy ſpecial obſervation.

The 1. of them thus evidenceth his Royal piety, zeal, and Soveraign Authority in coming perſonally into the Court of Exchequer with his Counſil, and there with his own mouth *commanding all the Sheriffs of* England *to attach all blaſphemers of the Name of* Jeſus, *and bring them to publike Juſtice at ſuch time and place as he ſhould preſcribe*, (a preſident worthy imitation in this *atheiſtical*, *blaſphemous*, *unzealous* age) with his care for the execution of ſpeedy Juſtice to all, eſpecially *Pupils*, *Orphans*, *Widdows*; to prevent all oppreſſions of his Subjects by Sheriffs, or great men; and to preſerve the *Churches juſt Liberties*, together with the *rights of his Crown*.

Di

Adhuc Communia de Termino S. Mich. An. 35 H. 3. Rot. 2 intus. Præceptum Domini Regis. * See Magna Charta, c. 1.

Die Veneris, proximo ante Feſtum beati Edwardi, *Anno regni Regis* Henrici *tertii* 34. *venit Dominus Rex cum ſuo Conſilio ad* Scaccarium, *& ibidem proprio ore præcepit omnibus Vicecom.* Angliæ *tunc ibidem exiſtentibus. Inprimis*; quod modis omnibus obſerbarent, et manutenerent * Libertates Sanctæ Eccleſiæ; *et ſimiliter manutenerent Pupillos, Orphanos, & Viduas, & celerem eis juſticiam exhiberent.* Et ſi inveniant aliquem Blaſphemantem nomen Jeſu Chriſti, ſtatim attachietur, exinde reſpondend. ad diem et locum, quos Dominus Rex præceperit. Item, *quod nullus ruſticus diſtringatur pro debitis Domini ſui, quam diu Dominus ſuus habuerit per quod poterit diſtringi. Et quod debitè inquirant & rectius, qualiter Magnates ſe gerunt erga homines ſuos; et ſi invenerint ipſos tranſgredientes, corrigant tranſgreſſiones quatenus poterunt. Et ſi fortè non poſſunt plenariè corrigere, tunc oſtendant eaſdem Tranſgreſſiones Domino Regi.* Item, † *quod nullus Vic. ponat* Hundr. Wapentake, *vel alias* Ballias *ad firmam, pro majori queſtu habendo alicui, niſi tali qui cum juſticia tractet populum.* Item, *quod diligenter inquir. quæ ſunt Mercata Adultera, vel ad nocumentum vicinorum Mercatorum levata, & hoc ſcire faciant Domino Regi.* Item, quod ſalvo cuſtodient omnia jura, et libertates Domini Regis, *nec facient returnum de Brevibus Domini Regis alicui, nec permittent aliquem habere viſum* Franci pleg. *nec* Turnum Vic. *nec auxilium Vic.* nec alias Libertates quæ ad Coronam Domini Regis ſpecialiter pertinent, ſine Warranto, niſi illos qui cartas Domini Regis inde habuerint, vel illos qui cartas libertatis ab Antiquo obtinuerunt.

† See 9 E 2. Statute of Sheriffs, Raſtal Sheriffs 2. 4 E. 3. c. 15.

The 2d. (more pertinent to my *Theam*) moſt clearly evidenceth his Supreme *Eccleſiaſtical Juriſdiction*, in commanding his *Judges* of the *Jewes* Exchequer by ſentence in that Court, *judicially* to deprive *Elias* the *London Jewes* High-Prieſt and Biſhop, of his *Prieſthood*, for an *offence* againſt him and his *Brother*, then granting them a ſpecial licenſe to *elect* another in his place, and ſo in ſucceſſion, and after to preſent him to him for his confirmation in his office, (as in caſe of his other Biſhops.)

Inter Communia in feſto S. Trin. An. 41 H. 3. Rot. 20. dorſo. *Philippo Lovell*, Pro Judæis de Sacerdote eligendo.

REX mandavit *Philippo Lovell*, et Juſtic. ad cuſtod. Judæorum aſſignatis. Quod cum *Elias* Epiſcopus *Judæorum London*, pro tranſgreſſione, quam fecit tam Regi, quam Fratri ſuo Regi *Almaine*, à Sacerdotio Communitatis *Judæorum Angliæ* coram prædictis *Philippo* et Juſticiariis, quos ad tranſgreſſionem illam conbincendam aſſignavit, per Judicium eorundem ad Scaccarium fuerit adjudicatus, Et de ejuſdem Sacerdocii officio, et etiam de omnimodis aliis Officiis, et ballibis, quæ a Rege optinuit, ſit depoſitus. Rex de eorundem conſilio Juſtic. *conceſſit* prædictæ Communitati *Judeorum Anglia*, per finem trium Marcarum Auri, quem *Creſſe* et *Haginus*, Fratres ejuſdem *Judæi*, cum Rege pro eadem Communitate fecerunt; Quod prædictus *Elias* Sacerdocium illud nunquam in poſterum habeat, et recuperet. Et quod de cætero, nullus Sacerdos ſit de illa Communitate, niſi per communem electionem Communitatis ejuſdem. Et quod illa Communitas, poſt deceſſum cujuſlibet Sacerdotis taliter electi, alium quemcunque voluerit Sacerdotem eligere liberam habeat facultatem. Et ipſum Regi præſentand. cum aſſenſu Regis, ut ſuper hoc optineat Regis favorem. Et datus eſt eis dies ad eligend. Sacerdotem ſuum, citra feſtum Sancti *Petri ad vincula.*

a 1 Kings 2. 26, 27. 35. b Gratian Diſtinct. 22. 96. 98. Barth. Brixienſis, & Johannes Thierry in their Gloſſes thereon, Gul. Durandus Rationale Divin. l. 3. Alvar. Pelagius de Planctu Eccleſ. l. 1. Artic. 13. Bellarm. de Roman. Pontif. l. 4.

This preſident of his, is ſufficiently juſtified by divine Authority; for [a] King *Solomon* depoſed *Abiathar* the *High Prieſt* from his Prieſthood, for *Conſpiracy* and *Treaſon* againſt him, in adhering to *Adonijah* who *uſurped the kingdom*, and made *Zadok High Prieſt in his room*, by his Supreme Eccleſiaſtical royal Authority: by which he might likewiſe have put him to death, as he told him, *yet he ſpared his life for the preſent*, out of meer grace; *becauſe he did bear the Ark of the Lord God before* David *his father, and becauſe he had been afflicted in all wherein his father was afflicted*, when he fled from *Abſolon* who uſurped his Crown. A clear Scripture Authority, that Chriſtian Emperors or Kings may *lawfully depoſe* not only *Archbiſhops*, *Biſhops*, and other *Clergy-men* from their *Offices* and *Biſhopricks*, but likewiſe *Popes* themſelves, (who pretend they [b] ſucceed *Aaron* the *Jewes* High-

High-Priests in their Authority, as well as St. *Peter*, and thence deduce Arguments for their Supremacy, and Title of Pontifex Maximus, which even the Chief Pagan *Roman Priest*, and afterwards their [c] *Consuls* or *Emperors* only enjoyed) for *Treason*, *Rebellion*, or other *Grand Offences*, and likewise put them to death, without any violation of the *Churches Liberties*. For St. *Paul* himself (though an *Apostle*, [d] equal to St, *Peter*, and [e] *joynt Bishop of Rome together with him*,) when he was [f] *accused by the* Jewes *before* Festus, (*who layd many and grievous complaints against him, as an offender both against the Temple and* Cæsar, *to whose Judgement seat he appealed from their Judicature*;) made this answer, *If I be an offender, or have committed any thing worthy of death*, I refuse not to dye; (to wit, by a legal Trial before *Cæsar*) where I ought to be judged: where he and St. *Peter* were afterwards condemned to death, *Paul* being beheaded, and *Peter* crucified at *Rome* with his *head downwards*, as [g] *Historians* relate; yea *both of them expresly enjoyn* [h] *every soul* (whether an Apostle, Prophet, Pope, or other Clergyman, as well as Laick, as St. *Chrysostome*, *Theodoret*, *Theophylact*, *Oecumenius*, and others comment on it) *to be subject*, and submit themselves to the higher Powers, and to the King as SUPREAM, and that for Conscience sake, FOR SO IS THE WILL OF GOD; and that in an Epistle written to all that be in Rome, called to be Saints, by expresse *evangelical* precepts, backed with their own examples in *submitting to their capital Judgements, executions*, as our [i] *Saviour Christ himself did before them*, *leaving all Popes, Prelates, how great soever, an example, that they should follow their steps therein*, as [k] *many* of the first Martyred Bishops of *Rome* did; without pleading any such [l] *Priviledges, Exemptions from Kings and Emperors Tribunals, or Corporal, Capital punishments, or Taxes* (*which they paid*) as they since pretend to by their own *Antimonarchical Canons, Decrees*, and *Constitutions*, (or by *Charters* forcibly extorted from *Christian Emperors* and *Kings* themselves) or such an unlimited power, as Popes and other Prelates now claim; *That they are the Superior Judges of all Emperors and Kings, as well as inferiour Subjects, but they themselves are to be judged by none but God himself*; or at least by *Popes* and *Bishops* themselves in *Councils*; Which they prove from the much perverted Text of St. *Paul*, 1 Cor. 2. 15. *But he that is spiritual* (that is, regenerated by Gods Spirit) *judgeth* (that is, discerneth) *all things* (that are revealed, taught by the Spirit of God) yet he himself is judged (or discerned) of no man; that is, of *no natural or carnal man*, for those spiritual things, (not for visible Crimes, or Capital offences) *who perceiveth not the things of the Spirit of God, neither can he know them, because they are spiritually discerned*, as the Text it self and all *antient Orthodox Commentators* on it expresly resolve, against the absurd ridiculous false *Glosses* of Modern *Popes*, *Canonists*, and Sycophants of *Rome*, who appropriate this Text only to the Pope himself, and to *Bishops, Clergymen*, though meerly carnal, voyd of the Spirit of God, and that only for visible carnal things and Crimes; whereof it never was, nor can be intended, against St. *Pauls*, and St. *Peters* expresse Doctrines in the forecited Texts, seconded with their practise.

And here I shall crave leave to inform you, how Popes, and Popish Archbishops, Prelates, Clergymen first procured, and then enlarged, supported their Exemptions from, and Ecclesiastical Jurisdiction over Christian Emperors and Kings; not only *by granting dispensations with their Oaths, Vows, unlawfull, incestuous, libidinous mariages, divorces, interpositions in their Treaties of Peace, Leagues, Wars against each other, by grants of Disms, Indulgences, Priviledges for pretended assistance of the Holy Land against* Saracens *and* Infidels; *by declaring Bastards to be legitimate heirs, and themselves to be sole Judges of Hereticks, Heresy, Schisms, and by confirming of Kings, Emperors grants, Priviledges, Exemptions to Monasteries and other Churches*; (which I have demonstrated by several Instances in this and the precedent Tomes;) but more especially by Monopolizing to themselves by degrees the sole power of *consecrating, crowning Emperors, Kings*, and prescribing *Interrogatories, Oathes, Articles, Ceremonials*, to them at their *Coronations*, especially when they Crowned *Usurpers*, and put by the right heirs from the Crown; which because not hitherto fully cleared by any, I shall crave leave to present you with my collections, and observa-

c Cornel. Tacitus, Annal., l. 3. Suetonius, Eutropius, Grimston, & others in the lives of Titus, Vespatian, & Trajan, Godwins Rom. Antiquities, l. 3. sect. 1. c. 9. & l. 3. 3. 8.

d Gal. 2. 5. to 15.

e Epiphanius contr. Hæres. l. 1. c. 7. Eusebius Eccles. Histor. l. 3. c. 31.

f Acts 25. 6. to 13.

g Eusebius, Nicephorus, Platina, Cent. Magd. Onuphrius, Genebrard, Ribadeniera, Mat. Westm. An. 66 & sundry others.

h Rom. 13. 1, to 8. 1 Pet. 2. 13, 14, 15. Tit. 3. 1. Mat. 10. 17, 18.

i Mat. 27. Mar. 14. & 15. Lu. 23. & Joh. 18. 1 Pet. 2. 21, 22, 23.

k See Platina. Balæus, Eusebius, Theodoret, Zozomenus, Nicephorus, Baronius, Genebrard, in their lives.

l Gratian, Caus. 9. qus 3. Caus. 11. qu. 3. Caus. 7. qu. 4. & Distinct. 21. 40. 96. Extrav. de Majoritate & Obedientia, Augustinus Triumphus, Marta, Barbosa, & Bellarm. de Romano Pontif. & Clericis, Marc. de Vulson, De la Puissance du Pape, l. 1. c. 2. 17, 18. Dominicus Soto, m. 4. sent. dist. 25. qu. 2. Didacus Covarruvias in Præf. quæst. 31. Conclus. 3, 4. Mariana, l. 1. c. 10. De Instit. Regum.

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tions of this kind, both in the Eastern and Western *Roman* Empires, in the *French*, and our *British*, *Saxon*, *Norman*, *English Kings Coronations*, antecedent to King *Johns*, and *Henry* the *Thirds*; The rather, because I have manifested how Popes and Bishops advance themselves above Emperors, Kings, in the late form of their *Unctions* not on the *head* but *shoulders* in their Coronations, in my *Epistle Dedicatory*. The [a] *Histories* of the *Roman Emperors*, and other *Kings lives* inform us, *that the Pagan and first Christian Emperors, Kings, in all or most Kingdomes, were not Crowned or Consecrated Emperors or Kings by Priests, Archflamines, Popes, Patriarchs, Archbishops, Bishops or Clergymen, but only by themselves, or their Predecessors, who associated them in the present Government of their Empires, Kingdomes, or declared them to be their immediate successors; or else by their Military Officers, Souldiers, Guards, or Nobles, by investing them with Imperial* or *Regal Ornaments, Robes, Scepter, or setting a Fillet, Diadem, or Crown of Gold upon their heads, with other Ceremonies*, according to the usage of their several Countries. But as for their Queens, they were usually Crowned by the Emperors and Kings [b] themselves with their own hands, not by any others.

(a) See Ælius Lampridius, Flavius Vopiscus, Diodorus Siculus, Suetonius, Polybius, Dion Cassius, Justin, Tacitus, Cuspinian, Eutropius, Paulus Diaconus, Albertus Crantzius, Volaterranus, Grimstons Imperial History, Antoninus, Matthew Westminster, Hector Boetius, Marianus Scotus, the General Histories of Spain, France, Denmark, and Mr. Seldens Titles of Honor, pars 1. ch. 8. p. 167, 168. Alexander ab Alexandro, Geneal. Dierum, l. 1. c. 28. l. 2. c. 19. & Boemus de Moribus Gentium. (b) Esther 2. 17.

I shall begin with the Coronations of the Christian *Roman* Emperors of the *East*, and their *Empresses*, recorded in their Histories. Upon the death of (1) *Theodosius* the younger, *Pulcheria* promoted *Marcianus* though ancient to the Empire, upon condition to marry her; whereto he assenting, she, *Patriarcha & Senatu accersita*, Imperatorem *salutat*, & Diademate cingit. After him *Basiliscus* being saluted Emperor, Zenonidem *Angustali Corona ornat*, & Marcum *filium* Cæsarem *appellat*, & *tyrannico Edicto Concilium* Chalcedonense *abrogavit*; which Decree the people enforced him to retract: The first Emperor crowned, or who had any *Coronation Oath* or *Writing* prescribed him by the Patriarch of *Constantinople*, was (2) *Anastasius*, who being elected Emperor by the Senate and Souldiers, about the year 486. *Euphemius* then Patriarch of *Constantinople* suspecting him to be addicted to the Heresie of *Eutychius* and the *Manichees*; thereupon would no wayes consent to his Coronation, but peremptorily refused to Crown him, untill he should deliver him a Writing under his hand, *ratified with* HIS OATH, *wherein he should plainly declare*, that if he were crowned Emperor, he would maintain the true faith, and Synod of Chalcedon during his reign, and bring no novelty into the Church of God: Which Writing being assented to, drawen and ratified by his Oath, *was delivered to* Macedonius *the Treasurer to keep*; *and then the Patriarch Crowned him*, quasi jam tunc a Pontificibus Reges et Imperatores coronarentur, et eorum sacro ministerio Imperia susciperent; as (3) *Gilbertus Genebrardus* observes. After which, the Emperor banished *Euphemius*, *deprived him of his Patriarchship*, and made *Macedonius* Patriarch in his place; from whom he demanded his premised *Hand-writing*: For it is (said he) a great discredit unto our Scepter, that our hand should be kept to testifie against us, or that we should be tyed to pen and paper. Which he refusing to deliver up to him, , saying, *It should never be reported by him, that he betrayed his faith*: the Emperor likewise *banished* and deprived *Macedonius*. So much was he exasperated by the exacting of this Hand-writing and Oath from him at his Coronation. *Platina* and (4) *some others* write, that Pope *Gelasius* the 1. excommunicated this Emperor, because he favoured Hereticks and *Acacius*, who opposed his Supremacy; though others write, he only denyed *communion* with him; the first usurpation of any *Pope* of this nature over an *Emperor*, which their successors and Parasites since, do much insist on. The next Emperor I read of, *Crowned* by a *Patriarch*, was [b] *Justinus* the 2. crowned at *Constantinople* by *Eutychius* or *John* the Patriarch, Anno Christi 558. by *blessing him*, and *setting the Crown upon his head*, as *Coryppus*, and *Eutropius* inform us: which done *Justin* himself *uxorem suam* Sophiam *nomine*, et coronavit Augustam, as [c] *Zonaras* and *Eutropius* story: Indeed [d] *Anastasius* only, and [e] *Baronius*, with [f] *Bernardinus Saccus* out of him affirm, that *Justinus* the 1. was in the 5th year of his reign *Crowned* Emperor the second time by

(1) Joan. Zonaras, Annal. Tom. 3. f. 123. 125.
(2) Evagrius Eccl. Hist. l. 3. c. 32. Niceph. Callist. Eccl. Hist. lib. 16. c. 26. Joan. Zonaras Annal. Tom. 3. f. 126. Cent. Magdeburg. 5. c. 10. col. 1214, 1215. Genebrardi Chron. p. 453. Petrus de Marca, De Concord. Sacerdotii & Imperii, l. 4. c. 9. n. 6.
(3) Chronograph. p. 453.
(4) Platina, & Dr. Barnes in Gelasio 1. & Sabellicus Centur. Magd. 5. c. 10. col. 1278, 1279.
b Selden Titles of Honor, part 1. c. 8. p. 146, 168. Eutr. Rer. Rom. Hist. l. 16, p. 208. Onuphr. de Comitiis Imp. c. 2. 5.
c Annal. Tom. 3. f. 130 b.
d In Johann. 1.
e Annal. Tom. 7. An. 525. p. 106.
f Ticinens. Histor. l. 8. c. 2.

by Pope *John* the 1. about the year of Chriſt 516. who repaired to him concerning the *Arrian* Hereſie, being formerly Crowned by *John* Patriarch of *Conſtantinople*, which ſeems improbable, becauſe no other Hiſtorians mention it; and [g] *Johannes Zonaras* expreſly writes of this Emperor, that falling ſick, *morbeque in ſpe vitæ dubia invaleſcente, Patriarcha* Epiphanio *& Primoribus advocatis*, Juſtinianum *Nepotem* Imperatorem decernit, et ſuis manibus ejus Capiti Diadema imponit; according to ancient Cuſtome, though the Patriarch himſelf was preſent, which is obſervable, he receiving no other *Coronation* after his death. From the death of *Juſtinus* the 2. [h] *Zonaras*, [i] *Eutropius*, and others make no mention of any Emperors Coronation, till that of Tiberius *An.* 571. *ab* Eutychio *Patriarcha* Coronatus. After him, *An.* 577. Mauritius *à Patriarcha* Johanne *jejuniatore* Coronatus, *rerum adminiſtrationem ſuſcepit*; who being ſlain with his Wife and Children by the Uſurper [k] *Phocas*, (inſtigated by Pope *Gregory* the 1. becauſe he would not upon his reiterated Epiſtles to him command the Patriarch of *Conſtantinople* to renounce the ſtile and title of UNIVERSAL BISHOP, which he uſed, to the derogation of his *Papal Supremacy*) Phocas, *cum populo* Phraſinæ *factionis* Hebdunam *ingreſſus*, *Anno* 595. as ſome, or 605. as others compute it, *ſummoned the Patriarch, Senate and People to come to him. Hoc igitur facto, & cunctis convenientibus apud* Septimium, tunc Patriarcha *Cyriacus* a tyranno de orthodoxa fide, et ut ſine perturbatione ſerbaret Eccleſiam, EXTORSIT PROFESSIONEM, (as *Eutropius* ſtories.) Which profeſſion being made, *ibi à* Patriarcha Diademate ornatus, *inde in Regiam ſe contulit, & quinta die* Leontiam *uxorem* Auguſtam coronabit, (by ſetting the Crown upon her head as the Cuſtome then was, with his own hands.) This Uſurper contrary to his extorted profeſſion Anno 609. *à* Bonifacio *Papa, rogatus*, Phocas *Imperator cum magna tamen contentione*, ſtatuit, ut Eccleſia Romana eſſet aliarum Eccleſiarum magiſtra et domina. Nam antea Eccleſia Conſtantinopolitana Domina ſeſe ſcribebat omnium Eccleſiarum, as † *Matthew Weſtminſter*, and *ſundry others* ſtory. Which highly incenſed the *Greek* Patriarchs and Church againſt him. He at the inſtigation of *Heraclius*, being deſervedly ſlain for his tyranny by his own guards, *Anno* 613. [l] Heraclius *à* Sergio Patriarcha Coronatus *in Oratorio Sancti* Stephani *in palacio ſuo*: Coronata eſt etiam eodem die Eudochia ſponſa ejus in Auguſtam, et accepit uterque a Sergio Patriarcha Nuptiarum coronas: *& uno eodemque die* Imperator ſimul et ſponſus oſtenditur, ſo *Eutropius*; or as *Zonaras*, ſtantem etiam Eudociam ſponſam diademate ornat: The next Coronation I finde, is that of [m] *Stauratius*, An 796. Nicephorus *Imperator coronavit filium ſuum* Stauratium *per* Tharaſium *ſanctiſſimum Patriarcham in ambone majoris Eccleſiæ* in Imperatorem. In all theſe and their ſucceſſors Coronations by the Patriarch, I find no mention at all of any *anointing*, *Oath* or *promiſe* made by any *Greek* Emperor to the Patriarch, to maintain the *Churches liberties, Rites* or *Juriſdictions, but only the right faith*; though they frequently by their Imperial power deprived, impriſoned, baniſhed many Patriarchs, and ſet up new in moſt of their places, reſtoring only ſome of them, as *Zonaras, Cedrenus, Eutropius, Nicephorus*, and the *Magdeburgian Centuries* record. [n] An. 804. after the death of the Emperor *Nicephorus*, ſlain in his warrs againſt the *Bulgarians*, when *Stauratius* his ſon, Crowned Emperor by his father, came to *Adrianopolis*, wounded in that battel, *et magiſtratuum quorundam ſtudio* Imperator eſt declaratus: he intending to leave the Empire to *Stauratia* his Siſter, maried to *Michael Curopolata*, and ſeiſe upon *Michael* to put out his eyes; thereupon ſhe and the Senate calling the ſcattered Legions together in the night, declared *Michael* to be Emperor a little before day-breaking: Michael *ubi diluxit, magnam Eccleſiam ingreſſus* a Patriarcha Nicephoro, Imperatorio diademate eſt ornatus, poſtulato prius ſcripto, quo promitteret, ſe nulla Eccleſiæ ſtatuta violaturum (to wit, of the ſecond Council of *Nice*, for the ſetting up and adoring Images in Churches) neque Chriſtianorum ſanguine manus contaminaturum eſſe, as *Zonaras* informs us; *Eutropius* thus relates it, *Porrò*, Nicephorus Patriarcha ſcriptum a Michaele propriæ manus egegit de recta fide, et ut ſine ſanguine manus a Chriſtianis ſervaret; ac de ſacris hominibus ſeu Monachis, et de toto Eccleſiaſtico Catalogo, ne percuterentur ab illo; which he not only performed, but alſo of his bounty *donavit Patriarchæ auri libras* L. *& Clero* XXV. *Poſt dies aliquot* Procopiam *uxorem* Auguſtam *ſalutavit*,

g Annal. Tom. 3. f. 128. Imperium Juſtin. Thracis.

h Annal. Tom. 3. f. 131, 132.

i Rerum Rom. Hiſt. 16 & 17. p. 212.

k See my firſt Tome, p. 102. 103, 104. Eutropius, l. 17. p. 232, 233.

† Anno 609. p. 209. See Here, Tom. 2. p. 103, 104.

l Zonaras Annal. Tom. 3. p. 133. Eutropius Rerum Rom. l. 18. p. 237.

m Eutropius l. 24. p. 337. Zonaras Tom. 3. f. 141.

n Zonaras Annal. Tom. 3. f. 142, 143. Eutropius l. 24. p. 145, 146.

vit,& Coronavit *in Triclinio, multiſque donis liberalibus auxit Senatum.* Omnes autem Patricios et Senatores, Sacerdotes et Summos Sacerdotes, et militantes Monachos et Pauperes, tam in Regia Urbe quam in Thematibus degentes locupletabit. Stauratius *autem acclamatione hujus audita, ſtatim comam totondit, & Monachicis indutus veſtimentis*, *per* Simeonem *Monachum*, implored the Patriarch and *Michael* to ſave his life; for which end he thus ſuddenly became a Monk, which requeſt he obtaining ſoon after died of his wounds, *cum duos duntaxat menſes & ſex dies imperaſſet.* This preſident or Charter is the *firſt promiſe* (not Oath) *demanded from, or given by any* Roman *Emperor or King* I read of at his *Coronation*, for *confirming the Churches, Biſhops, Monks Priviledges*; not to be puniſhed by him; and the firſt of *rewards* given to Patriarchs, Biſhops, Prieſts, Monks, Senators, and that by a forcible Uſurper, to ſecure his uſurped Empire to him and his ſon; who ſoon after *Filium* Theophylactum Imperatorio nomine dignatus eſt, et a Patriarcha diademate ornandum curabit. But this could not ſecure the Empire to them, nor Patriarchſhip to *Nicephorus*, nor yet their perſons againſt Gods *retaliation*; for *Michael* being routed in a battle by the [o] *Bulgarians*, as *Nicephorus* was, and flying to *Conſtantinople*; thereupon *Leo* ſtirred up the remainder of his Legions againſt him, as he had done againſt *Stauratius*, who proclaiming *Leo* Emperor, *Michael* upon the tydings thereof, *poteſtatis inſignia* Leoni *miſit, eoq; Regiam ingreſſo, cum uxore & liberis in ædem quæ eſt in* Pharo, *ſupplex confugit. Inde avulſi*, Michael *in inſula* Phota *Monachus factus vitam exegit*, Theophylactus *filius ejus*, qui Imperator appellatus fuerat, *virilibus exactis cum matre & fratribus eſt relegatus. Hunc exitum habuit* Michaelis *imperium cum id biennium tenuiſſet*: As for [p] *Nicephorus* the Patriarch, who Crowned him and his Sonne, and likewiſe *Leo*, in ambone majoris Eccleſiæ, (but without any Oath, Charter, or promiſe, like that of *Michaels*) he deprived him of his Patriarchſhip, and baniſhed him to *Præconetra* upon this account. *Leo* being very zealous againſt Images, and the Inſtitutions of the ſecond *Counceil* of *Nice*, (which *Michael* at his Coronation promiſed him not to violate) eas omnes tolli juſſit, by the perſwaſion of a Monk, a quo imperium ſibi prædictum fuerat. *Cumque Patriarcham* Nicephorum *in ſuam ſententiam pertracturus eſſet, ille verò acriter adverſaretur, & edictum illud & ſcriptis & orationibus impietatis argueret*, virum relegat. Nicephoro *ſua Eccleſia pulſo, in ejus locum introductus eſt* Mileſſenus Theodotus, *qui ſacra Cathedra indignè conſcenſa, cum Imperatorem ſuffragatorem haberet andacter in ſacras imagines graſſatus eſt.* After *Leo*, I finde theſe Emperors of the *Weſt*, viz. [q] *Michael Balbus, Romanus Lacapeni, Nicephorus Phacoes, Theodora, Conſtantinus Monomachus, Nicephorus Botoniata*, Crowned by the Patriarchs of *Conſtantinople*, without any unction, oath, promiſe, or Writing whatſoever: and [r] *Theophylus* the Emperor crowning his Sonne *Michael* with a Diadem, and declaring him Emperor: *Conſtantine* the ſonne of *Leo* crowning and declaring his ſonne *Romanus* Emperor, bota faciente *Theophilacto* Patriarcha *Joannes Zimiſcæ*, *filium ſuum* Baſilium *Diademate & Imperatorio nomine ornat*, & Alexius Comnenus, *qui* Johannem *filium ipſe Imperio ornaret. Romanus Lacapeni* crowned his Empreſſe himſelf, and *Alexius Commnenus* did alſo the like. I read that *Johannes Zimiſcæ* who moſt barbarouſly murdered his Soveraign [s] *Nicephorus Phocas* the Emperor, and uſurped the Empire by force and treachery, after he had reſtored thoſe Biſhops whom *Nicephorus* had baniſhed, qui ei libro ſubſcribere recuſarunt, quo ſanxerunt, ne quis Pontifex ſe inſcio deſignaretur; Deinde in magnam Eccleſiam abiit, ut ibi diademate ornaretur; *ſed* Polyeuctus *Patriarcha eum ut cæde* pollutum, ingredi ædem ſacram non eſt paſſus. *Quam increpationem* Zimiſces *æquo ferens animo, pro defenſione attulit, ſe cædem ſuis manibus non perpetraſſe, ſed* Abalantem, & Azyphotheodorum Theophanonis *juſſu* Nicephorum *ſuſtuliſſe. Contra*, Patriarcha *poſtulavit, ut* Theophano *Regia pulſo* relegaretur, et Nicephori percuſſores in exilium agerentur, et liber cujus mentionem fecimus, lacararetur, et ipſe pœnas daret. Ille ſe omnia facturum policitus, *ſtatim miſſis ſatellitibus* Theophanonem *Regia educit*, libros ad ſe allatum lacerat, et quas privatus opes habuiſſet, ſe diſtributurum pauperibus promiſit. *His factis natali Servatoris & Dei noſtri*, ſimul in Eccleſiam admittitur, ſimul diademate ornatur, Theophanone in Præconeſum relegato. *Sic appellatus Imperator, cum mag-*

[o] Zonaras Annal. Tom. 3. f. 143, 144. Eutropius, l. 23. p. 350, 351.

[p] Zonaras & Eutropius Ibidem, Paulus Diaconus De Geſtis Longobardorum, l. 6. p. 439.

[q] Zonaras Annal. Tom. 3. f. 144 b. 146 a. f. 156 a. 158 a. 159 a. 166, 168 a. b 172 b. 177 b.

[r] Zonaras Annal. Tom. 3. 147 a. 156 a. 158 a. 159 a. 178 b. 180 b.

[s] Zonaras Annal. Tom. 3. p. 161.

na Antiochia *Pontifice careret, Monachum quendam* Theodorum, *qui Imperium ei prædixerat, neque festinare aut rapere, sed numinis designationem expectare jusserat, Pontificem nominavit.* This Patriarch by Crowning this bloody Usurper upon these precedent conditions, (whom he should have totally refused) gained a revocation and rescinding of that lawfull Book and *Imperial Privilege*, (as prejudicial to the Churches Liberties) which prohibited *any to be made or assigned a Bishop, without the Emperors privity.* Some years after, [t] *Michael* surnamed *Senex* being made Emperor, by the Empresse *Theodora*, when she lay sick despairing of life, by advice of her familiars, a qua statim diademate redimitus: sanctissimo prius juramento adactus est, se nihil sine illorum consensu in Imperatoriis administrationibus decreturum. Not long after by fraud and practise he was perswaded by *Michael* Patriarch of *Constantinople* and others to resign the Empire to *Isaac Comnenus*; *Paulo post* Comnenum *aperte Imperatorem salutarunt, etiam Patriarcha suffragante & adjuvante* (against their Oaths to him;) *qui* Michaeli *nunciaret, ne cunctaretur, & præmium suffragii postularat*, et Imperatori insolentius nunciaberat, ut Regia decederet. *Quo nuncio à primariis Sacerdotibus accepto* senex Michael *percontatus est*, quod sibi præmium pro Imperio daturi essent? *Illisq; respondentibus*, Regnum cœleste: *statim insignibus aliis* Regia decessit. At Comnenus, *firmato Imperio, eos à quibus adjutus fuerat, liberalissime (ut) remuneratus.* Patriarcham magnopere veneratus est, *& fratris ejus filios magnis honoribus affectos, superbis magistratibus præfecit. Præterea*, in Patriarchæ gratiam, etiam Ecclesiasticarum rerum procurationem Ecclesiæ attribuit. *Nam cum ad id usque tempus & magnus Oeconomus, & vasorum custos ab Imperatore designari soleret:* utrunque id munus Patriarchæ potestati subjecit, amota publica auctoritate. Hereupon, though the Emperor thus setled grew very proud, yet as *Zonaras* stories, Neque vero Patriarcha superbia illi cedebat, sed imperare illi volebat, ac si quando non impetrasset ea quæ petierat, ægre ferebat, increpabat: denique minabatur, quemadmodum Imperium illi contulisset, ita se idem illi ereptorum. Quæ cum talis Imperator ferre æquo animo haud utique posset, provident, *ut malum daret potius quam ferret. Cum igitur Patriarcha in suum Monasterium, ad festivitatem cœlestium copiarum, quæ ibi colebantur*, splendidius celebrandam iturus esset: *missa illuc cohorte militum* (nec enim eum ex Ecclesia verbi divini sapientiæ abellere voluit, ne vel Cleri vel populi motus oriretur;) et ipsum et nepotes ejus relegat. *Deinde*, de abrogando illi Patriarcatu cogitans, *opera quorundam primariorum Sacerdotum utitur, &* Pselli, *variarum & absurdarum criminationum coacervatoris, quas in oratione contra illum scripta congessit, & per quosdam viros significat, ut simulet*, se ultra Pontificatu cedere, quem aliqui inbitus cum publica infamia sit amissurus. *Ut autem ille refragabatur, Imperatoris de ejus exautoratione sollicitudinem mors sustulit.* [u] *Nicetas* Chronicata renders us this Account of the Coronation of *Manuel Comnenus. Facta igitur re divina pro declaratione & Imperii auspiciis, de Patriarchi throni successore & ecclesiasticæ functionis gubernatore deliberat*, a quo in templo Domini Corona Imperatoria ornaretur; *Nam* Leo Styppiora *morte rebus humanis exemptus erat. Proinde sententiam cum cognatis, Senatoribus & Sacerdotibus communicat; qui* Michaelem Acuti *Monasterii Monachum designabant, virum & virtute celebrem et literis nostris eruditum. Is igitur Patriarcha declaratus* eum a quo unctus erat, viciſſim ungit, *Imperatoriaque diademate* ornabit, sacram ædem ingressus. And of young *Alexius* his Coronation; he writes; [x] Andronicus *auctor est* coronandi Alexii (Comneni) *eumque in humeros elatum lachrymans in magna Ecclesiæ ambonem pertulit, atque inde retulit, ut patrem pietate superare videretur, & adolescentis Imperatoris præsidium haberetur, cum ipse aliud habebat in mente, ac* Davidicum *illud agitaret, elatum me allisit.*

Upon the death of *Johannis Ducæ* the Greek Emperor, *Theodorus Lascaris* his sonne and heir, *totius populi suffragiis est creatus Imperator, in clypeo sedens, more à majoribus accepto*, as [a] *Nicephorus Gregorias* stories; [b] *Georgius Pachymerus* informs us, *Imperatorio clypeo insidet, is qui Imperio designatur, ac pedibus primum imperatoriis insigniis ornatis & manibus*, hinc Pontificum *inde Procerum elatus, Imperatoriis hymnus & plausibus ab omnibus celebratur.* The Patriarchship of *Constantinople* being then voyd, *Nicephorus Blemmydes* though unanimously elected refusing

t Zonaras Annal. Tom. 3. Nicetas Chron. Annal f. 9. 172 173. Centur. Magd. 11. c. 3. col. 38. c. 10. col. 516, 517, Cent. 12. col. 1381.

Nota.

u Annal. l. 1. f. 9. b. See Cent Magd. 12 col. 871.

x Annal. p. 31. b.

a Hist. Romanæ, l. 3. f. 9.
b Capita, l. 2. f. 61.

to accept it, Arsenius *Monachus* (about the year 1262) *Patriarcha creatus communi Pontificum sententia & suffragio*, Imperatore maxime approbante, et Pontificium illud suffragium (uti moris est) confirmante, Imperator a Patriarcha unctus et diademate ornatus est; without any Oath, promise or Charter mentioned in the *Greek Historians*. This Emperor falling into a deadly sickness, *Moriens*, Muzalonem,[c] *cum Patriarcha Curatorem Imperii reliquit, donec filius* Joannes *sextum tunc agente annum ad maturam ætatem advenisset*: This Patriarch and *Muzalo* (generally hated by the Nobles) to secure the person of their pupil, and *Muzalo* from danger, caused the Nobles to take two Oathes one after another; the last whereof (more sacred than the former) was in this form. *Iurant omnes tàm Nobiles quam ex plebe militari; sibique ac familiæ suæ quilibet exitium imprecantur, ni quod jurassent, sanctè servarent, ac* Muzaloni *tutelam*, Imperatoris vero filio Imperium insidiarum expers, et inviolatum, ad omnem ejus posteritatem tuerentur. Within few dayes after at the Emperors funeral, the Soldiers entring the Temple with drawn Swords, barbarously slew *Muzalo* who fled to the holy table, with others of his adherents, and so terrified the Patriarch, that he resigned the custody of *John*, to *Michael Palæologus*, till he should come to age: who aspiring after the Empire, *tum honoris causa populi* Romani, *tum etiam ad statum interregni firmandum*, Despotæ *titulo ornatur*, tam a Patriarcha, quam a filio Imperatoris: Soon after, *viri auctoritate & nobilitate præstantes circa* Magnesiam clypeo insidentem Michaelem Palæologum, Imperatorem appellant. *Quo Patriarcha* Arsenius *audito, vehementer perturbatus, puero metuebat: ac primum in animo habuit*, tam eum qui appellatus esset Imperator, quam qui appellassent, sacris interdicere. *Deinde mutato consilio, moderatius & melius esse ratus est*, eos sancto jurejurando astringere, ne vel pueri vitæ insidientur, vel de Imperio illi per vim aut fraudem eripiendo cogitent; *itaque factum est Calendis* Decembris. *Sed priusquam mensis elaberetur, iis ipse qui hæc timuerat, & illa ipsa pro securitate pueri egerat, suis manibus*, in sacro suggestu Michaelis Palæolgi capiti coronam imponit, et Imperatorio diademate virum ornat, *sententiis Senatus & sacri ordinis impulsus. Caterum non perpetuum illi decernit imperium, sed quod tum rebus ità cogentibus, id ab eo administrandum esset, donec legitimus illius hæres & successor adolevisset: tùm vero illi soli cedendum esse ultro & solio Regio, & omnibus Imperii insignibus.* Atque hæc sanctione jurejurando quam prius firmabit: *Post hæc* Arsenius *relicta sede Patriarcha, se in maritimum* Paschatii *Monasteriolum quiescendi causa contulit: Causa illius secessus fuit* Joannis *contemptus.* Whose eyes being soon after burnt out by *Palæologus* to make him uncapable of the Empire; thereupon after many complaints *Arsenius Palæologum sacris interdicit:* who patiently endured his censure for some space to pacifie the Patriarch; but not complying with him, he thereupon impeached him of several crimes, deprived him of the Patriarchship, banished him, and promoted *Germanus* to the Patriarchship: who not long after deserting it, upon the clamors of the people, that he usurped the See living *Arsenius*, the Emperor made *Joseph* Patriarch in his stead: by whose advise, to ingratiate himself with the people, and expiate his sinnes, *Imperator* Michael, *cum Patriarcha primum sacrificium in Ecclesia cum cæteris Pontificibus peragisset, ante vestibulum sacri suggestus prostratus, duo sua peccata,* perjurium, et illii Imperatoris execrationem profitetur, sibique condonari petit. *Primus igitur Patriarcha illi jacenti astans*, condonationis singraphan quandam, ac post eum Pontifices suo quisque ordine eandem recitarunt. *Ita lætus discedit Imperator tàm ob illam condonationem, quam quod Deum etiam sibi placatum & reconcilatum existimabat*, though he restored not the Crown to the right heir, whose eyes he thus put out. From whence I shall observe, 1. That this usurping of the Empire by this perjured Emperor, was the ground of the Patriarchs imposing a New Oath upon him at his Coronation. 2ly. That his perfidious violation of this Oath, encouraged the Patriarch to excommunicate him. 3ly. That this excommunication was the occasion of this Patriarchs deprivation and banishment by this usurper. 4ly. That this Usurper to ingratiate himself with the people and Prelates, made a publike confession of his perjury, and crime in putting out the eyes of the right heir, and received publike absolution both from his crime and sentence thereupon, by a Writing made under the new Patriarchs and Bishops hands.

[c] Niceph. Gregoras Hist. Rom. l. 3. f. 12 a b. 10. & l. 4. f. 12, 13, 14. Cent. Magd. 13 col. 21, 606, 982, 983, & Cent. 12. col. 1382, 1383.

After

After which this perjured Usurper about the year 1270. to secure the Empire to himself and his posterity, [d] Andronico *filio suo* Annam Pannoniam *desponsavit, simulque illum insignibus Imperii ornat*; in his life time; and for securing his own life, Empire, and priviledges of the *Greek* Patriarchs, Clergy, (to induce them to crown him without opposition) he prescribed his son this Coronation Oath by the Patriarchs advise. *Cum* Andronicus *insignibus Imperii à patre* Michaele Palæologo *ornaretur*, ipse patri jurat, se Deo Ecclesiam pie veneraturum, ejusque privilegia modis omnibus culturum, et inviolata conservaturum esse: (A Clause never inserted into the Oath, Writing, promise of any precedent Emperor) Postea, se bitam et Imperium patris sui expertem insidiarum usque ad ejus obitum pro viribus conservaturum. *His peractis, omnis* Romanus *populus* usitatum jusjurandum Andronico novo *Imperatori dedit*. Patriarcha vero et Collegium Sacerdotum jusjurandum sonum præscriptum, in sacros codices retulerunt: se et successores suos, ejus Imperio non esse insidiaturos, profitentes. *Pater autem permisit, edictis subscribere rubris literis, caterum sine mense & indictione: sed*, Andronicus, Christi gratia Imperator Romanorum.

[d] Nicephorus Gregoras Hist. Romanæ, l. 4. f. 15. Centur. Magd. 13. col. 684.

Soon after this Oath prescribed and taken, [e] *Charles* King of *Italy*, and Earl *Baldwin*, raising great forces to besiege *Constantinople*, and unite the Empire thereof to that of *Germany*, by the Popes instigation; to prevent this danger *Palæologus* the elder sent Embassadors to Pope *Gregory*, to mediate an accord between the *Greek* and *Roman* Churches; *Cujus hæc tria Capita fuerunt; Primum*, ut in sacrorum voluminum Psalmodiis Papæ, cum quatuor Patriarchis mentio fieret. *Alterum*, ut liceret cuivis *Romam veterem*, quæ Curia major et perfectior est, appellare. *Tertium*, ut illi Principatus in omnibus deferretur. Which agreement was so much opposed by the Patriarch *Joseph*, that he deserted his See, and the Colledge of the Priests mutinied the people against him: whom he could not pacifie by his perswasions, nor yet by imprisonments, exiles of *Becas*, & other Patriarchs, Bishops, Priests who obstinately opposed this accord; which rendred him so odious, that, *post obitum* Græcorum *Imperatorem* Palæologum *sacra arcent Sepultura* Constantinopolitani Sacerdotes, quod Romanæ Ecclesiæ sententiam in Concilio Lugdunensi amplexus esset; whereupon he was privately buried in the night by his sons command *procul à castris, vix plebeia sepultura, multa terra obrutus, id solum cavens, ne à feris discerperetur*. After which, the Patriarchs of *Constantinople* grew so rebellious and refractory against the Emperors, that they were either banished, deprived by them, or resigned their Patriarchships when they could not have their wills. Whereupon they made choyce of aged, simple, and illiterate persons to be Patriarchs, who through ignorance and simplicity were most apt to obey them, [g] ut dicto eis obedientes sint tanquam mancipia et nullo ipsis verbo refragentur; no Oath at all (for ought I find) being imposed on the succeeding Emperors, whether crowned in their Fathers or Grandfathers life, or after their deaths; witnesse the [h] *Coronation* of *Michael Palæologus* the sonne of *Andronicus* 4. Nonas *Februarii, octava Indictione*.

e Niceph. Gregoras Romanæ Hist. l. 5. f. 16, 17, 19, 20. Cent. Magd. 13 col. 783, 1355. See Hare, p. 148, 149.

f See Niceph. Gregoras Rom. Hist. l. 6, 7, & 8. & Cent. Magd. 12 & 13 cap. 10. in their lives.

g Niceph. Gregoras, l. 8. f. 32. a 1. 39 a 1.

h ibid. l. 8. f. 40. & Georg. Pachym. Hist. l. 3. f. 64 b.

Moreover it is observable, that in the form of the *Coronation* of the *Greek* Emperors collected by [y] *Johannes Cantachuzenus* about the year 1330. (afterwards Emperor himself) seconded by *Codinus*, and printed in [z] Mr. *Selden*, there is no mention of any Oath, condition or promise at all made by the Emperor at his Coronation to the Patriarch, relating to the Churches or Clergies priviledges or Liberties, only *Patriarcha in formam Crucis* VERTICEM *Imperatoris, sacro unguento perluit, & elato voce addit*, Sanctus: *Quod si adest Imperator antea coronatus*, cum Patriarcha novo Imperatori coronam imponit, & exclamat Patriarcha, dignus, &c. *Tum descendit de ambone Imperator, & paratam ibi Coronam à propinquis, aut Eunuchis, eam similiter tenentibus*, uxoris capiti imponit (according to their ancient Custome, not the Patriarch) *quæ maritum Imperatorem adorans, ità se illi subjectam profitetur*. Hoc igitur modo Imperator Conjugem suam coronat. *Si antea Corona ipse indutus fuit, inter sacra nuptiarum id facit*. After which follow some prayers, without any Oath or promise exacted from him by the Patriarch, to prevent all such Usurpations over the Emperors by their Patriarchs, as some of them exercised, and Popes usurped by degrees over the *German* Emperors by their Coronations.

y Cantachuz. Hist. l. 1. c. 41.

z Titles of Honor, Part 1. ch. 8. p 146, 168, 189, to 193.

The

The Custome of Crowning the *German* Emperors, and anointing them on the *Crowns of their heads* at first, like the *Roman*, (since translated by Pope *Innocent* the Third to their *shoulders* or *armes*,) [z] *was derived to them from the Greeks*, as *Onuphrius*, and Mr. *Selden* inform us.

The first Emperor Crowned in *Rome* by any Pope, was [a] *Charles the Great*, Anno Christi 800. crowned by *Leo* the Third (after his purgation *upon Oath* on the *Holy Evangelists* made before *Charles*, as his restorer, and Soveraign Judge of the Crimes objected against him,) *cuncto* Romano *populo acclamante*, Carolo Augusto A DEO coronato (originally, but only ministerially by the Pope) Magno et pacifico Imperatori Romanorum, vita et victoria. *Post quas laudes, unctus oleo ab Apostolico in templo Sancti* Petri, *à* CAPITE usque ad pedes, et circundans Imperatoria veste atque Corona 8 *Kal.* Januarii, *Indictione nona*, antiquorum jure Principum, ab eo adoratur, (not the Pope by him) et ablato Patricii nomine, Imperator & Augustus appellatur; without any Oath, Promise, homage, fealty or subjection then made by him to the Pope, or *Roman* Church; But on the contrary, *Charles* then *received from this Pope*, a Priviledge to elect and invest both the *Pope*, and all *Archbishops*, and *Bishops* in his Empire, as [b] *Ludovicus Pius* his Sonne did, An. 815. and the Emperor *Otho* the 1. An. 964. who deposed Pope *John* the 13. expelled *Benedict*, (set up by the *Romans* without his license) created, and afterwards restored *Leo* the 8. who confirmed this priviledge, and Crowned him Emperor. Yea *Henry* the 5th, (though set up by Popes in his deposed Fathers stead, by tyranny, war, rebellion, for defence of this Priviledge of *Investitures*) when he came to *Rome* to be Crowned by Pope *Paschal* the 2d. not only received [c] *a new Charter* of the premised *Priviledges* granted to *Charles* the *Great*, *from this Pope and his Cardinals, subscribed with their hands, seals, and ratified by their solemn Oathes*; but likewise refused to take any corporal Oath to them to confirm his Covenants and agreement, upon their release out of Prison; *dicens*, Imperatorem nemini jurare debere, cum juramentorum sacramenta ab omnibus sunt sibi adhibenda; as [d] *Hermoldus* expressly records. Which proves this Oath of Fealty which *Gratian* inserts into his [e] *Decrees*, as made by the Emperor *Otho* to Pope *John* before his comming into *Rome* to be crowned, to be an Imposture, since mentioned by no old *Historians*, yea contradicted by *Othoes* deposing *John*, setting up another in his stead, and the new Priviledge of *Investitures* granted him by *Leo* at his Coronation; *Juramentum* Ottonis *quod fecit Domino Papæ* Joanni. Tibi Domino Joanni Papæ ego Rex Otto promittere et jurare facio, *per Patrem, & Filium, & Spiritum sanctum, & per lignum hoc vivificæ crucis, & per has reliquias Sanctorum, quod si permittente Domino* Romam *venero*, sanctam Romanam Ecclesiam et te rectorem ipsius exaltabo, secundum meum posse; et vitam aut membra nunquam, neque ipsum honorem quem habes, mea voluntate, aut meo consilio, aut meo assensu, aut mea exhortatione perdes. Et in Roma nullum placitum aut ordinationem faciam de omnibus quæ ad te aut ad Romanos pertinent, sine tuo consilio; Et quicquid de terra sancti Petri ad nostram potestatem perbenerit tibi reddo, et cuicunque Italicum regimen commisero jurare faciam illum, ut adjutor tui sit ad defendendum terram sancti Petri secundum suum posse. This Oath though forged, with some new Additions to it, Popish Canonists, Advocates hold the Emperor ought to take to the Pope, as bound thereto not only out of reverence, and spiritual devotion to the Pope and Church of *Rome*, whom he ought by natural right to defend, but as an Oath of Fealty, as being the Popes Vassal and inferiour, from whom he receives and holds his Crown; Upon which ground he ought to kisse the Popes feet, lye prostrate before him when crowned, serve him as his Subdeacon, yea hold his stirrop, and then lead his horse by the bridle for some space, as you may read in [f] Dr. *Marta*, and others quoted by him; whose Arguments [g] *Antonius de Rosellis* (a learned Lawyer under the Emperors *Sigismund* and *Frederick* the 3.) recites, and then refutes in a *special Chapter*, to which I refer you. What Oathes of fealty and allegiance Popes have since extorted from the *German* Emperors at their Coronations, [1] by depriving those who op-

z Onuphrius de Comitiis Imperialib. c. 5. & Mr. Seldens Titles of Honor, part 1. c. 8. p. 146.

a Mat. Westm. An. 801. p. 294. Eutropius Rerum Rom. Hist. l. 23. f. 332. Zonar. Annal. Tom. 3. Lambertus Sagax, Hist. l. 23. Mr. Seldens Titles of Honor, part 1. ch. 8. p. 147. 168. Onuphrius de Comitiis Imperial. c. 5.

b Fox Acts & Monuments Vol. 1. p. 205, 216, 226. Centur. Magd 8 & 9. col. 331. My Epistle Dedicatory, & Gratian Distinct. 63. Mar. Wes. An. 815. 1033.

c Simeon Dunelmensis De Gestis Regum Angliæ, col. 232. to 237. Otto Frisingensis, l. 7. c. 14. Radulphus de Diceto Abbrev. Chronicorum col. 502 d Chronica Sclavorum, l. 1. c. 40.

e Distinctio 63. Tibi Dominus f. 112. & Bartholomæus Brixiensis, Johannes Thierry & others in their Glosses thereon. See Pope Adrians Letter to the Emperor Frederick Barbarossa, Fox Acts & Mon. Vol. 1. p. 263. & 273.

Dr. Marta de Jurisdictione, pars 1. c. 4. n. 9. 11, 12, 15. c. 18. n. 12, 13. to 24. Cent. Magd. 10. col. 410, 406

f Dr. Marta de Jurisdictione, pars 1. c. 18. n. 7. to 24. g De Monarchia Tract. pars 1. cap. 71. in Melchior Goldastus his Monarchia S. Romani Imperii, pars 1. p. 301, & 233.

posed

posed their usurpations by tumults and wars raised against them, and setting up Usurpers in their steads,) will appear by these 2. Verses engraven by the insolent Pope *Innocent* the 2. on the walls of his Palace in *Rome*, after he had crowned [h] *Lotharius* Emperor.

Rex venit ante fores, jurans prius Urbis honores;
Post homo fit Papæ, sumit quo dante Coronam.

h Carolus Sigonius de Regno Italiæ, l. 11 p. 262, 263. Radevicus, l. 1. n. 9. 10. D. Marta de Jurisdict. pars 1. c. 18. n. 21.

I shall only observe, that [i] *Popish Canonists*, and *Romish* Doctors from the *Popes* Coronation of *Emperors* and *Kings*, argue his *absolute Spiritual and Temporal Monarchy over them, as their Soveraign Lord*; because they receive their Crowns and unction from him. A meer ridiculous consequence, *because as they are both real and actual Emperors, Kings, before and without their Coronations*, so Popes and Prelats are but their [k] *meer Ministerial Officers therein*, to *anoynt and set their Crowns upon their heads*, when, where, and by what Bishops they please to appoint, (as the Nobles are who carry their Imperial Robes, Crowns, Swords, Scepters, and perform other Services at their Coronations,) as they likewise are when they *baptize*, *marry* them, not their Lords: else if this Argument holds firm, the Cardinals who elect, consecrate, crown the Pope himself, and his Confessor who absolves him, must be his Lords Paramount both in his Spiritual and Temporal pretended *Monarchy*; and every Bishop who consecrates his Metropolitan, must thereby become his Soveraign, and absolved from all subjection to him; which will prove fatal to the Popes Supremacy, and to Patriarchs, Metropolitans, Archbishops *Hierarchies*. All Pontificians therefore must renounce this Argument, and subscribe to the resolution of [l] *Thomas Waldensis*, (a great stickler for the Pope, Bishops, yet ingenuous in this particular.) Quanquam ministerio Episcoporum solennitates adhibentur Regibus unctionis, jusjurandi, fidei et coronæ, non tamen habet Regia illa dignitas ortum a Sacerdotio, quanquam per Ministerium Sacerdotis habeta Deo; sicut nec ordinatus quisquam habet ordinationis ortum a Præsule, aut Sacramentum Eucharistiæ a Sacerdote quolibet celebrante; ab homine enim est solennitatis ministerium, Deus vero solus largitur efficium: not the Pope or Bishops.

i Barth. Cassanæus, Catal. Gloriæmundi, quinta pars 29. Consideratio. Cent. Magd. 9. col. 331. & Dr. Marta de Jurisdictione l. 1. c. 18. n. 6. to 24. & sundry others there quoted, Doctor Crakenthorps Defence of Constantine, c. 14 § 42, 343.

k Jacobus Almain De Potestate Eccles. & Laic. qu. 2. c. 10. Lupoldus de Jure Regis & Imperatoris c. 4. & 11. Dr. Crakenthorp Defence of Constantine, c. 14. p. 342, 343.

l Doctrinalis Fidei, Tom. 1 l. 3. Artic. 3. c. 78. p. 389, 390, 391.

I shall now passe from the Emperors to the Kings of *France*. After *Charles* the *Great* and *Ludovicus Pius*, were anointed Emperors by Popes at *Rome*, for defending them and that Church against their enemies, and declared it to be their duty, [m] *ut defensio, et exaltatio vel honor Sanctæ Dei Ecclesiæ congruus maneat, et pax et justitia in omni generalitate populi magis confirmetur*; the Kings of *France* who were no Emperors, began to be crowned by their own Bishops, who thereupon contrived and imposed an Oath upon them at their Coronations, to advance their own *Prelacy* and *Canons*; which Oath, as [n] *Peter de Marca* Archbishop of *Paris* observes, ea mente eisque verbis olim ita conceptum fuit, ut Reges tempore inaugurationis suæ, CUSTODIAM CANONUM subditis suis promitterent, Quod eo pertinebat, ut sponderent nec a se violandos Canones, nec ab aliis. *Extat illius Sacramenti antiqua formula, quod* Philippus 1. *patre* Henrico *Rege superstite, ac illius auctoritate præstitit, anno* 1059.

m Capitularia Car. Magn. & Ludovici, lib. 2. Tit. 1. c. 2.

n De Concordia Sacerdotii & Imperii, lib. 4, c. 9. n. 5 & c. p. 254, 255.

Ego *Philippus*, Deo propitiante, mox futurus Rex *Francorum*, in die ordinationis meæ promitto coram Deo & sanctis ejus, quod unicuique de vobis et Ecclesiis vobis commissis CANONICUM PRIVILEGIUM, et debitam legem atque justitiam conservabo, et defensionem quantum potero (adjubante Domino) adhibebo, sicut Rex in suo Regno, unicuique Episcopo et Ecclesiæ sibi commissæ, per rectum exhibere debet. Populo quoque Nobis credito dispensationem legum in suo jure consistentium, nostra authoritate concessurum.

Hujus formulæ potiora verba (adds *Marta*) *transcripta sunt ex ea quæ* Hincmarus Remensis *Archiepiscopus* a se conceptam Ludovico Balbo Caroli Calvi *filio porrexerat, cum Regnum Compendii susceperus ungeretur Anno* 877. *Sponsio autem illa* [o] Ludovici *excerpta est à Capitulis quæ* [p] Carolus Calvus *eodem Anno apud* Carisiacum *statuerat. Quam quidem promissionem, non* sacramentum, *vocant Proceres* Gallicani, *sed* pardonationem: Est pardonatio, quam Dominatio vestra nobis fidelibus

o In Capitulis Lodovici II. Tit. 1.

p Capitula Caroli Calvi apud Carisiacum, Tit. 43. cap. 4.

delibus veſtris pardonavit & ſubſcripſit. *Unde* Ludovicus Balbus *eodem verbo utitur in ſponſione ſua* : Promitto & pardono vobis, *id eſt*, concedo & indulgeo. *Ante illa tempora* ſponſio quidem a Regibus inaugurandis concipiebatur, ſed aliis verborum ſolennibus, *quamvis eadem ſignificatione; ut patet ex repromiſſione quam* Carolus Calvus *præſtitit, cum in urbe* Metenſi Lotharii *Regnum adipiſceretur Anno* 869.

q Capitula Caroli Calvi, Tit. 35. poſt Caput 3.

q Sciatis, me unicuique in ſuo Ordine ſecundum ſibi competentes leges tam Eccleſiaſticas, quam mundanas, legem & juſtitiam conſervare: *Quod etiam repetitum eſt in ſecundo capite conventus apud* Cariſiacum *habiti.* In eandem ſententiam Reges Galliarum ſe deinceps uſque ad hæc noſtra tempora jurejurando adſtrinxerunt, etſi formulis diverſis. By vertue of this Coronation Oath, he informs us, that *Philip* the 4. and *Charles* the 6. and 7. of *France*, held themſelves obliged to defend the Rights of Biſhops, their Canons, and Eccleſiaſtical diſcipline. The Ceremonies, Prayers, Unction and Oath uſed at their Coronations in later ages, you may peruſe in [r] Mr. *Seldens Titles of Honor*, and *Laurentius Bochellus* his *Decreta Eccleſiæ Gallicanæ*, l. 5. Tit. 2. *De Conſecratione & Coronatione Regis* Franciæ, c. 1. who cap. 4. inſerts a learned Epiſtle of *Ivo Carnotenſis* to the Pope, juſtifying his Coronation of *Lewes* King of *France*, againſt the complaint of the Archbiſhop and Church of *Rhemes*, who pretended that the *Right* of Conſecrating the *French King* belonged only to them, refuting this their Monopoly by ſundry preſidents of *French Kings* Crowned elſewhere by other Biſhops, in other Churches, aſſerting this claim of theirs to be warranted by no Law, nor Cuſtome, and to be prejudicial to Kings themſelves, as well as to other Biſhops and Churches.

r Part 1. ch. 2. p. 222, &c.

I ſhall not inſiſt upon the Unctions or *Coronations of the Kings of *Jeruſalem, Spaine, Hungary, Denmarke, Sweden, Poland, Norway, Sicily, Scotland*, or their *Coronation Oathes*, which were not *ab origine*, but came in by degrees in later ages, by the Practiſe of their Biſhops, to advance their Juriſdiction and Power over them, as their Vaſſals; witneſſe this Magiſterial reſolution of [t] *Martinus Laudenſis*, [u] Dr. *Marta*, and other Canoniſts, Omnes Reges qui unguntur ab Eccleſia, ſunt Vaſſalli Eccleſiæ; ergo idem dicendum eſt de Imperatore; *& nullus eſt Regum qui non ſit ſubditus* Romanæ *Eccleſiæ.* When theſe forraign Kings began to make any Corporal Oathes to Popes or their Metropolitans at their Coronations, I cannot certainly determine, only it is obſervable, that the Kings of *Sicily* (claimed by Popes as St. [u] *Peters Patrimony*, and thereupon uſually crowned by them) never uſed to take any *Corporal Oath* upon any occaſion, by the Cuſtom of that Kingdom; therefore not at their *Coronations*, as is evident by this Epiſtle of *William* King of *Sicily*, to our [x] King *Henry* the 2d. Anno 1176. in anſwer to the requeſt of his Meſſengers, *Qui & poſtulaverunt inſtantius*, (to confirm a Mariage-contract between his daughter and this King with his Corporal Oath) ut idem manu propria juraremus: Quod quia regni noſtri ſemper, et noſtris fuit progenitoribus inſuetum PERSONALITER JURARE, non duximus expedire. *Quare prædicti nuncii veſtri quæſierunt, ut ſicut ab honorabilibus perſonis feceratis illud* in anima veſtra jurari, ſic et nos ſimiliter in anima noſtra fieri faceremus. Nos equidem, et quod a noſtris nunciis in veſtra præſentia conſtitutis ſuper conceſſione matrimonii ex parte noſtra juratum eſt, ratihabitione firmamus, et quod vobis præſentibus in anima veſtra juratum eſt, *grato aſſenſu recepimus*, ac ſi manu propria juraſſetis, cum unum et idem putemus Sacramentum quod vel manu propria ſit, vel in anima jubentis et præſentis juratur. If then the Kings of *Sicily* never uſed in that or former ages to make or ſubſcribe any Corporal Oath with their own hands; Whereupon this King refuſed, though importuned to ratifie this marriage agreement with ſuch an Oath, ſubmitting only, that his proxies ſhould ſwear for him on his Soul, as King *Henries* likewiſe did, it is certain they then never made any perſonal Oath to the Pope, or their *Metropolitans* at their Coronations; and probably very few Kings elſe, till ſucceeding ages.

* For which, See Centur. Magd. 13. cap. cap. 7. p. 682, 683, 684, 685.

t Tractatus de Principibus Notabil. 22.

u De Juriſdict. pars 1. c. 18. n. 11, 12. & c. 27. n. 1, &c.

u Dr. Marta de Juriſdict. pars 1. c. 26. nu. 2, 3, 6. to 24. & Baronius de Regno Siciliæ, Pariſ. 1605.

x Radulphus de Diceto, Ymagines Hiſt. col. 593, 594.

For our ancient *Britiſh* Kings Coronations, Diadems, Crowns, before they became Chriſtians, [a] *Geoffry Monmouth* ſtories, that *Dunvallo Melmutium, cum totam Inſulam omnino ſubjugaſſet*, fecit ſibi diadema ex auro. *Hic Leges quæ* Molmuntinæ *dicebantur inter* Britones *ſtatuit, quæ uſque ad hoc tempus inter* Anglos *celebrantur.* After whoſe deceaſe, *Duo filii ejus*, Belinus *videlicet &* Brennius *contendebant* uter eorum regni diademate inſigniretur. *Poſt* Garguunt, Guithilinus, regni

a Hiſtoriæ Regum Britanniæ l. 2. c. 17. l. 3. c. 1. 13, 16, 17, 18, 20.

regni Diadema ſuſcepit. *Poſt* Marciam Tifilius ſumpto diademate regni *gubernaculo potitus eſt.* *Poſt* Gorbonianum, Arthgallo *frater ejus* Regio diademate inſignitur. *Defuncto* Eliduro, *ſuſcepit* Gorboniani *filius* regni Diadema. [b] *Poſt* Heli, Caſſibellanus *in* Regem *ſublimatur, moxque ut* Diademate inſignitus fuit, &c. *contigit ut totius regni Monarchia ſibi cederet:* During his reign *Julius Cæſar* invaded our Iſle of *Britain*: *Cui ſucceſſit* Tenuantius, Diademate igitur inſignitus *regnum in diligentia obtinuit*, Anno Chriſti 124. *Defuncto* Coilo, *filius ejus unicus, cui nomen erat* Lucius, regni Diademate inſignitus eſt, who ſoon after [c] *embraced* the *Chriſtian Religion*, and was *baptized*, (being the firſt *Chriſtian King* in this Iſle, or world) and converted the Heatheniſh *Archflamins* Sees in this Iſle into Archbiſhopricks, and the *Flamines* into Biſhopricks, as our ancient Hiſtorians generally write, though our greateſt Antiquaries of modern times refute it, as fabulous. He deceaſing without iſſue, after many Conflicts between the *Britains* and *Romans*, [d] *Triumphatis Romanis, cepit* Aſclipiodorus regni Diadema, et Capiti ſuo, populo annuente impoſuit; without any Archbiſhop, Biſhop, or Prieſt, *Poſtea inſurrexit in Regem* Aſclepiadorum, Coel *Dux* Coleceſtriæ, *& prælio conſerto eum peremit*, regnique diademate ſeſe inſignivit. Not long after *Conſtantius* the Emperor arriving in *Britain*, made a firm league with *Coel*, who dying 8. dayes after, inſignivit ſe Conſtantius regni Diademate, *duxitque filiam* Coel, *cui nomen erat* Helena, on whom he begat *Conſtantine* the *Great*, to whom he gave the Kingdom of *Britain* at his death, 11 years after; who alſo obtained the Empire of the world. [e] *Octavius* uſurping the Crown, he gave his daughter together with the Realm to *Maximianus*, cum Diademate: who being ſlain at *Rome*, thereupon [f] *Gratianus Municeps* cepit Regni Diadema, et ſeſe in Regem promovit. During whoſe reign the *Britains* being infeſted by the *Scots*, *Picts*, *Norwegians*, and the *Romans* after ſeveral requeſts being unable to aid them, they thereupon *An.* 435. ſent Guithelin Londonienſis *Archiepiſcopus* to *Aldroenus* King of *Little Britain* in *France*, proffering him the Kingdom, to ayde them againſt theſe inſulting enemies; who refuſing it for himſelf, recommended his Brother *Conſtantine* to them, furniſhing him with ſouldiers to aſſiſt them. *Cum grates ei egit Archiepiſcopus, vocato* Conſtantino, *ei in hac verba arriſit:* Chriſtus vincit, Chriſtus imperat, regnat Chriſtus; Ecce Rex Britanniæ deſertæ, *Adſit modo Chriſtus.* Ecce ſpes noſtra et gaudium. Who preſently arriving in *Britain*, and obtaining a victory over their enemies by his own and the ſcattered *Britiſh* forces reſorting to him: *Facta intra* Ciceſtriam *concione*, erexerunt Conſtantinum in Regem, regnique Diadema capiti ejus impoſuerunt, Anno Chriſti 435. *Defuncto* Conſtantino, An. 455. there being a difference between the Nobles which of his ſonnes ſhould ſucceed, *Conſtans* his eldeſt ſonne being a profeſſed Monk, [g] Vortigernus *Comes* Gewiſſanorum *qui omni niſu in regnum anhelabat*, goes to *Conſtans* at *Wincheſter*, perſwading him to accept the Regality; who *maxime gaudio* aſſented to him, *& quicquid callebat ipſum velle*, jurejurando promittebat. *Capit igitur eum* Vortigernus, *duxitque* Regiis ornamentis indutum Londonias, *atque vix annuente populo*, in Regem erexit. *Tunc defunctus erat* Guithelinus *Archiepiſcopus*, nec fuit alius qui ipſum inungere præſumiſſet, *quia ex Monacho transferebatur.* Nec tamen idcirco poſtpoſuit Diadema, quod ipſe Vortigernus vice Epiſcopi capiti ejus impoſuit. *Sublimatus igitur* Conſtans, *totam Juſtitiam regni* Vortigerno *commiſit, &c.* who ſoon after ſuborning his guard of *Picts* to murder *Conſtans*; [h] *Tandem cum neminem ſibi parem conſpexiſſet*, impoſuit capiti ſuo Coronam Britanniæ, An. 454. *Magnates* Britanniæ *Regem* Vortigernum *penitus deſerentes, unanimiter* Vortimerum *filium ſuum* Regem ſublimaverunt. Anno 464. *Merlin* prophecied, *interfecto* Hengeſto Ambroſius coronabitur. *Non mora, craſtino die applicuit* Aurelius Ambroſius; *convenerunt itaque* Britanni, *& convocato regni Clero* unxerunt et erexerunt Aurelium in Regem, regnique Diadema capiti ſuo imponens, &c. After whoſe death, Anno 498. Uther Pendragon *cum feſtinatione* Wintoniam *venit, & convocato populo regni & Clero*, Britanniæ Diadema ſuſcepit, annuentibuſque cunctis ſublimatus eſt in Regem; After whoſe death, *defuncto Rege*, convenerunt Pontifices cum Clero regni et populo, *& ipſum infra Choream Gigantum more Regio humaverunt. Quo facto*, Dubritius *urbis* Legionum Archiepiſcopus, ſociatis ſibi Epiſcopis et Magnatibus, Arthurum *filium ſuum juvenem* 16. *annorum* Regni diademate inſignibit, et

b Galfridus Monmutenſis, lib. 4. c. 11. 17.

c See Here, Tom. 1. p. 17, to 38.

d Galfr. Monmut. l. 5. c. 5, 6, 11.

e Galfr. Mon l. 6. c. 1, to 6

f Mat. Weſtm, Flores Hiſt. p. 149, 150, 153. See here, Tom. 1. p. 125, 126.

g Galfr. Monm. l. 6. c. 8. p. 150, 151.

h Galfr. Mon. l. 8. c. 2, 17. l. 9. c. 1, 12. Mat. Weſtm. p. 170, 182, 185.

in regem magnifice erexerunt, one of the first Kings crowned by our Bishops. *Leland* writes, that he saw the form of his Crown in his Seal, represented to us in [i] Mr. *Selden*, and *Speeds* History, An. 537. King *Arthur* after all his foreign Victories returning into *Britain* in triumph, resolved to be new CROWNED at *Caerleon* on the *feast of* Pentecost. The form and solemnity of his second and his Queens Coronation too, (the first of this kind, if real) is thus related by [k] *Geoffry Monmouth*. *Cum igitur solennitas* Pentecostes *advenire inciperet, post tantum triumphum maxima lætitia fluctuans*, Arturus *affectavit Curiam ilico tenere in urbe* Legionum, regnique Diadema capiti suo imponere. Wherupon, inviting and summoning by his Messengers all the Kings, Dukes, Nobles, and Metropolitans subject to him, there appeared 12 Kings, sundry Dukes, Consuls, Nobles from all quarters (whose names he recites) *Trium etiam Metropolitanarum sedium Archipræsules*, Londoniensis *videlicet*, Eboracensis, *necnon ex urbe* Legionum Dubritius. *Hic* Britanniæ *Primas, &* Apostolicæ sedis Legatus (if we may credit him) *tanta religione clarebat, ut quemcumque languore gravatum suis orationibus sanaret. Omnibus denique in urbe congregatis, solennitate instante*, Archipræsules ad palatium ducuntur, ut Regem diademate regali coronarent. Dubricius *ergò, quoniam in sua dioceси Curia tenebatur, paratus ad celebrandum obsequium*, hujus rei curam suscepit. Rege tandem insignito, *ad templum Metropolitanæ sedis ornatè conducitur: à dextro enim & à levo latere*, duo Archipontifices ipsum tenebant. *Quatuor autem Reges*, Albaniæ *atque* Cornubiæ, Demetiæ *&* Venedociæ, *quorum illud jus fuerat, quatuor aureos gladios ferentes ante ipsum; præibant. Conventus quoque multimodorum ordinatorum, miris modulationibus præcinebat. Ex alia autem parte* Reginam suis insignibus laureatam, Archipræsules atque Pontifices ad templum Deo dicatarum puellarum conducebant. *Quatuor quoque prædictorum Regum Reginæ quatuor albas columnas de more præferebant. Mulieres autem quæ aderant illam quam maximo gaudio sequebantur. Postremò peracta processione, tot organa, tot cantus fiunt in utrisque templis, ita ut pro nimia dulcedine milites qui aderant nescirent quod templorum prius peterent. Catervatim ergò nunc ad hoc, nunc ad illud ruebant, nec si totus dies celebrationi deditus esset, tædium aliquod ipsis generaret.* Divinis tandem obsequiis in utroque celebratis, Rex et Regina diademata sua deponunt, *assumptisque levioribus ornamentis, ille ad suum palacium cum viris, hæc ad aliud cum mulieribus exaltata incedunt.* I omit the residue of this solemnity, wherein I observe no solemn Unction or form of Prayers, or setting the Crown on the Kings head in the Church, but only in his Palace, mentioned in this solemnity, without any Oath administred to him. [l] An. 540. Mordredus Arthuri *Nepos* (in his absence) *cui idem* Arthurus Britanniæ *regnum commisit, per tyrannidem et proditionem* Diademate ipsius sese fecerat insigniri. An. 542. *Rex* Arthurus *de vita desperans*, Constantino *cognato suo* Britanniæ concessit Diadema. After whose death, Anno 545. Aurelius Conanus, *per omnia* Diademate dignus, *nisi civilis belli fuisset amator, regnum obtinuit*, by force, treachery and tyranny, imprisoning his Uncle who ought to have reigned, and murdering his two sonnes. After which as [m] *Gildas* our antientest *British* Historian, (who writ about the year 564. or soon after,) complains and relates. UNGEBANTUR REGIS non per Deum, *sed qui cæteris crudeliores extarent, & paulo post ab* UNCTORIBUS, *non probati examinatione trucidabantur, aliis electis tranctoribus, &c.* Reges habet Britannia, *sed* TYRANNOS; which passage is recited *verbatim* by *Galfr. Monmutensis* Hist. Brit. lib. 9. c. 3. Whence some conceive our *British* Kings were anointed when crowned, and that sometimes by their Archbishops, or Bishops; other times by their Nobles, who soon after murthered, and succeeded them; rather as Tyrants then Kings. After many Civil Wars and Usurpations between the *British Tyrants*, and *Saxon* invaders, about the year 603. [n] *Cadwin* by the unanimous consent of all the Princes and Nobles of the Britons assembled together at Legecester, was elected and made King of the Britons; Insignito illo regni Diademate. He conquering the *Saxons*; thereupon *regabat* Cadwinum Edwinus, ut sibi Diadema habere liceret; *ut advenæ* Saxones, *qui semper proditores ejus extiterant*, in uno cum illo Regio Diademate incipiant insigniri. Which his Counsellers refused to assent unto; *aiebant enim*, Contra jus, veterumque traditionem esse, Insulam UNIUS CORONÆ DUOBUS CORONATIS SUBMITTI DEBERE; *Cadwallo* after him. [o] *Quendam solemnitatem* Pentecostes Diadema Britanniæ portando celebravit, where *universi* Anglorum *Reges præter* Oswinum *solùm adessent*;

Of

i Titles of Honor, part 1. ch. 8. p. 171.

k Historiæ Regum Brit. l. 9. c. 12, 13.

l Galfr. Monm. l. 10 c 13. l. 11. c. 2, 3, 5. Mat. West. n. p. 191, 192, 193. & Galfr. Monm. Hist. L 1, 2. c. 1, 5.

m Printed in Rerum Brit. Scriptores, De Excidio & Conquestu Britanniæ: See Archbp. Usher de Britannicarum Ecclesiarum Primordiis, p. 533, 534, 536. Mr. Seldens Titles of Honor, part 1. c. 8 p. 149.

n Galfr. Monm. l. 12. c. 6.

n Galfr. Mon. l. 11. cap. 1, 2, 3, 11.

o Galfr. Mon. l. 12. c. 11.

Of his or *Cadwalladers* the two laſt *Britiſh* Kings Unctions, there is no expreſs mention in our Hiſtorians, of any Coronation Oath, or promiſe made by them or any *Britiſh* King, much leſſe to maintain the Churches or Clergies Liberties.

As for our firſt *Saxon* Kings who expelled the *Brittons*, and by their ſwords erected their ſeveral kingdoms, there is no mention of their Coronations or Unctions in *Beda*, *Florentius Wygornienſis*, *Simeon Dunelmenſis*, *Henry Huntindon*, or other of our antient Hiſtorians. The firſt of our *Saxon* Kings preſented to us with a Diadem, is *Aidulf* King of the *Eaſt-Angles*, about the year 674. After him, upon the expulſion of *Beorred* King of *Mercia* for his Tyranny, *Offam* [p] *in Regem* tam Clerus quam populus coronavit, An. 758. who ſtamped a Crown *on his coyns*; whoſe ſucceſſors uſed ſeveral forms of *Crowns* till the *Conquerors* time; which you may view in *Speeds Hiſtory*, and Mr. [q] *Seldens Titles of Honor*. The firſt *Saxon* King we read to be anoynted, was *Egbert*, about the year 790. whom his father King *Offa*, loving his eaſe, [r] ante mortem ſuam in Regem inunctum ſucceſſorem dimiſit. *Ille ſedulò paternæ immanitatis veſtigia declinans*, privilegia omnium eccleſiarum, quæ ſeculo ſuo genitor attenuaberat (by ſevering all the Biſhopricks in his Kingdom from the See of *Canterbury*) prona devotione revocabit; *Prædium quoque quod Pater* Malmesburiæ *abſtulerat*, *reddidit in manus* Cuthberti *tunc illius loci Abbatis*, *hortatu* Athelardi *Archiepiſcopi* Cantuariæ, *ſtrenui ſanè & Deo digni viri*; moſt likely at his anoynting him King; as the coherence of the ſtory intimates, he living but 4. moneths after. Anno 854. Æthelwlfus *Rex filium ſuum* Ælfredum (being but 5. years old) *magno nobilium & etiam ignobilium numero conſtipatum*, *maximiſque muneribus honorifice* Romam *tranſmiſit*, *quo tempore Dominus* Leo *Papa* 4. *Apoſtolicæ ſedi præerat*; *qui præfatum infantem* Æthelredum *oppido ordinans*, UNXIT IN REGEM; (*ſui patris rogatu*) *& in filium adoptionis ſibimet accipiens*, *confirmavit*; as [s] *Aſſerius Menevenſis* his Tutor, [t] *Simeon Dunelmenſis*, (who adds, *& ad patriam atque ad Patrem cum benedictione Sancti* Petri *Apoſtoli direxit*) [u] *Florentius Wygornienſis*, [x] *Radulphus de Diceto*, [y] *Johannis Bromton*, and others out of them relate. [z] *William Malmesburienſis* writing of his advancement to the Crown, An. 872. after *Æthelwlfus* death, records, Ælfredus *filius* Æthelwulphi *junior*, qui unctionem Regiam et Coronam a Papa Leone olim Romæ ſuſceperat, *ut prædiximus*, regnum accepit; without any new Unction or Coronation that wee read of. [a] *Matthew Weſtminſter* ſtories, Anno Chriſti 854. *Rex magnificus* Occidentalium Saxonum Æthelwulphus, *cum honore maximo* Romam *profectus*, *duxit ſecum* Ælfredum *filium ſuum juniorem*, *quem cæteris omnibus plus dilexit*, *ut à Papa* Leone *moribus pariter & Religione informaretur ibidem* (which *Florentius Wygornienſis*, and the premiſed Hiſtorians referr to the year next after his premiſed miſſion thither, and Unction) *ubi cum anno integro Rex cum filio demoratus fuiſſet*, fecit filium ſuum ibi a Papa in Regem coronari; atque ad patriam rediens; *exorta eſt contra Regem prædictum quorundam Magnatum conſpiratio*, *ita quod facta conſpiratione ab* Æthelbaldo *filio Regis primogenito*, & Sciriburnenſi *Epiſcopo* Alſtano, *cum* Eandulfo Somerſatenſis *pagi Comite*, *quod à* Roma *repatrians nunquam reponeretur in regnum*. *Cauſa una erat*, *quod filium minorem* Ælfredum, *quaſi aliis à regni ſorte excluſis*, in Regem Romæ fecerat coronari; Whereupon he divided his Realm between himſelf and his eldeſt ſonne *Æthelbald*. Our elegant Hiſtorian [b] *Aelredus Abbas Rievallis* informs us, that this King, Ælfredum *filium ſuum minorem miſit* Romam, *ut ſanctiſſimorum Apoſtolorum precibus commendaretur*, *& à Summo Pontifice benediceretur*. *Venerabilis autem Summus Sacerdos* Leo *vultum & ſtatum pueri contemplans*, *cum in eo divinæ præſentiam majeſtatis ſcintillantium virtutum indiciis perſenſiſſet*, *tempus & ætatem regnandi* Regiæ unctionis Sacramento præbeniens, *ſicut quondam ſanctus* Samuel *puerum* David, ita enim in Regem ſanctiſſimus Præſul devotiſſime conſecrabit. *Verum poſtmodum cum Patre* Romam *repetens*, *paternorum honorum in omnibus cooperator & adjutor eſſe promeruit*. To which he ſubjoynes of King *Edward*, *A famoſiſſimo quippe & chriſtianiſſimo Rege* Alurēdo omnium Regum Angliæ *ſanctus* Leo *Papa* in ipſa urbe Roma conſecravit et unxit in Regem, generatione ſextus. Hence [c] *Johannes de Bromton* writes, Regiam unctionem primus omnium Regum a Papa, *ut ſcribitur*, accepit. And [d] *William Thorn* in his Chronicle affirms, *Iſte* Elfredus fuit primus Rex Angliæ qui inunctus erat. Yet [e] Mr. *Selden* thinks this Unction was only at his *Confirmation*, and was miſtaken

[p] Mat. Weſtm. An. 758. p. 273

[q] Part 1. ch. 8. p. 171.

[r] Gul. Malmsberienſis de Geſtis Regum Angl. l. 1. c. 4. p. 33.

[s] In vita Ælfredi, p. 3.

[t] De Geſtis Regum Angl. col. 130, 53. 132, 18.

[u] Chronicon, p. 296, 297.

[x] Abbrev. Chronicarum, col. 250, 22.

[y] Chronicon, col. 809. 31.

[z] De Geſtis Regum Angl. l. 2. c. 4. p. 42.

[a] Flores Hiſt. p. 307, 308.

[b] De Vita & Miraculis Edwardi Confeſſoris, col 352, 29. 371, 63.

[c] Chronicon, col. 809.

[d] Col. 1777. l. 59.

[e] Titles of Honor, p. 150.

miſtaken for his Royal Unction at his Coronation, by all theſe Hiſtorians; (which is improbable) thoſe who were confirmed in that age being anoynted with *holy Chriſme* in the foreheads.

After this I find frequent mention of our *Saxon* Kings conſecrations at their Coronations by their own Metropolitans or Biſhops, but none of them by the Pope: for the very next year after, [c] An. 855. Eadmundus *ex proſapia antiquorum* Saxonum *originem ducens, provinciæ* Orientalium Anglorum *culmen regiminis ſuſcepit*, anno à nativitate ſua 13. ab omnibus regionis illius Magnatibus et populis Rex electus, et ad regimen multum renitens compulſus, ab Humberto Helmhamenſi Epiſcopo, *in villa Regia quæ* Bures *nuncupatur*, munus conſecrationis accepit, et coronatur.

[d] Anno 901. after King *Alfreds* death, Eadwardus *ejus primogenitus, regni* Angliæ diademate eſt inſignitus, conſecratus in Regem a Pleimundo Dorobernenſi Archiepiſcopo *apud* Kingeſtune; After his deceaſe, [e] Anno 940. Æthelſtanus, *or* Adelſtanus *filius ejus primogenitus apud* Kingeſtonam, *Regiam Villam* Rex creatus, *ab* Æthelmo Dorobernenſi Archiepiſcopo conſecratur. [f] Anno 945. Eadmundus *Rex* Anglorum conſecratus eſt ab Odone Dorobernenſi Archiepiſcopo *apud* Kingeſtune; after whoſe murder, An. 946. Eadredus frater ejus conſecratus eſt ab Odone Archiepiſcopo *apud* Kingeſtune, et regni Diadema ab eo ſuſcipit. An. 955. *Succeſſit ei in regnum* Eadwinus, Eadmundi *Regis filius*, & *apud* Kingeſtonam *ab* Odone Cant. Archiepiſcopo Regiam unctionem ſuſcepit; as *Mat. Weſtminſter*; or Rex conſecratus eſt, as others ſtory. [g] An. 973. Eadgarus *Rex* Anglorum Pacificus: (in the 15. or rather 16. year of his reign, not before) *Anno ætatis ſuæ* 30. 5 *Idus* Maii *die* Pentecoſtes, *à beatis Præſulibus* Dunſtano & Oſwaldo, et a cæteris totius Angliæ antiſtitibus, præſentibus Magnatibus univerſis *apud* Akemanceſtre, or *Civitate* Acamanni, *quæ hodiè* Bathonia *dicitur*, Coronam poſtabit, et ibidem cum maximo honore benedicitur, conſecratur, et in Regem inungitur. After his deceaſe [h] Anno 975, there ariſing a conteſt which of his ſonnes ſhould ſucceed him, thereupon *Archipræſules* Dunſtanus & Oſwaldus *cum Coepiſcopis, Abbatibus, Ducibuſque quamplurimis in unum convenerunt, et* Eadwardum, (*ut pater ejus præceperat*) *eligerunt*, electum conſecrarunt, et in Regem unxerunt apud Kingeſtune. Upon his treacherous murder by his Mother-in-law to advance her ſonne, his Brother *Æthelredus* a ſanctis Præſulibus Dunſtano Cantuarienſi, & Oſwaldo Eboracenſi, *& decem Epiſcopis die Dominica* 8. *Kal.* Maii [i] Anno 979. *in* Kingſtona Regni diadema ſuſcepit, et ad regni faſtigium eſt conſecratus. All theſe conſecrations of our *Saxon* Kings were without any ſolemn Oath or promiſe made by them at their Coronations, to or before their Archbiſhops or Biſhops. Mr. [k] *Selden* hath printed an ancient *Saxon Pontifical* concerning the Ceremonies, Rites and Prayers uſed in the *anoynting*, and *crowning* of our *Saxon* Kings and Queens, made by their Biſhops much about this time, having no Coronation Oath or Interrogatories; many of which prayers, as well as the *anoynting* and *crowning* are ſtill retained, and yet uſed at the Coronations of our Kings and Queens.

King *Æthelred* deceaſing [l] Anno 1016, *poſt multas hujus vitæ tribulationes, Canutus* the *Dane* then invading and poſſeſſing a great part of the Realm: *Poſt mortem ejus, Epiſcopi, Abbates, Duces, & quique Nobiliores* Angliæ, *& maxima pars Regni, tàm Clericorum quam Laicorum, in unum congregati, pari conſenſu, ad eum in* Suthamptoniam *venientes*, in Dominum et Regem ſibi Canutum eligerunt, omnemq; progeniē Regis Æthelredi coram illo abnegando repudiantes, pacem cum eo compoſuerunt, et fidelitatem juraverunt: Quibus et ille JURAVIT, Quod et ſecundum Deum et ſecundum ſæculum fidelis eſſe vellet eis Dominus. This is the firſt ſolemn Coronation Oath I find made by any of our Kings, and that by a foreign invader, uſurper of the Crown, upon the abjuration of the Right heir, and *Saxon* royal Line by treacherous perfidious Biſhops, Abbots, Clergymen, Nobles, to eſtabliſh him and his poſterity in the Royal Throne. *Cnute* hereupon, after his pilgrimage to *Rome*, more advanced the Privileges of the Clergy then any of our former Kings, putting them only to their purgations for *Capital crimes* whereof they were accuſed before the Biſhops, *the* [m] *original ground of exempting Clergymen from ſecular Juriſdiction for capital crimes*, and of other incroachments in ſucceeding ages. *At Cives* Londonienſes, *& pars Nobilium qui eo tempore conſiſtebant* Londoniæ, *Clitonem* Eadmundum unanimo conſenſu in Regem levavere, *qui à* Levingo Dorobornenſi *Archiepiſcopo*

c Mat. Weſtm. An. 855. p. 308 Chron. Johan. Bromton, col. 745, 13. 754, 58.

d Mat. Weſtm. An. 901, p. 351 Radulphus de Diceto Abbrev. Chron. col. 453, 61. Chron. Johan. Bromton, col. 831, 28.

e Mat. Weſtm. p. 363. Joann. Bromton Chr. col. 837, 44. Henr. Huntindon Hiſt. l. 5. p. 354.

f Radulphus de Diceto, col. 454, 455. Simeon Dunelm. Hiſt. col. 156. 17. Mat. Weſt. p. 369.

g Simeon Dunelm. Hiſt. col. 159. Florentius Wygorn. p. 353 Mat. Weſtm. p. 374. Hoveden p. 426. Henr. Hunt. Hiſt. l. 5. p. 357.

h Florentius Wygornienſis, p. 361. Radulphus de Diceto, Abbr. Hiſt. p. 458, 35. Chr. Johan. Bromton, col. 872. Mat. Weſtm. p. 376.

i Florent. Wygorn. p. 362. Mat. Weſtm. p. 378. Roger. Hoveden, p. 427. Henr. Huntindon Hiſt. l. 5. p. 357.

k Titles of Honor, p. 150, 151, &c. 158, to 180.

l Simeon Dunelmenſ. de Geſtis Regum Angl. col. 173. Florent. Wygorn Chron. p. 384 Mat. Weſt p. 401. Roger Hoved. Annal. pars 1. Chr. Jo. Brom. p. 903.

m Here, p. 342.

chiepiſcopo apud Londonias conſecratus eſt; without any Oath at all, like his predeceſſors, being right heir to the Crown; who ſoon after conquered *Cnute* in 5. ſet battles, and had probably for ever driven him and the *Danes* quite out of the Realm, had thoſe perfidious Prelates, Nobles, and others who revolted to, and Crowned *Knute* for their King, adhered to him, and thoſe *Saxons* who crowned him being their lawful King. After *Cnutes* deceaſe, [n] *Harald* his reputed Son, regni Angliæ diademate inſignitus eſt; without any mention of his Unction or Oath. He dying about 4. years after, An. 1040. *Hardecnute* then in *Flanders*, was ſent for by the unanimous conſent of the Nobles, as well *Engliſh* as *Danes*, as right heir to *Cnute*, *ut ad* Angliam *veniret*, Regni Diadema ſuſcepturus. *Qui conſiliis Magnatum illico adquieſcens, æſtate media venit in* Angliam, *& gratanter ab omnibus ſuſceptus, ab* Eadſio Cantuarienſi *Archiepiſcopo* in Regem eſt conſecratus, regnique ſolio mox ſublimatus, apud Londoniam, without any Oath.

After his ſhort reign, [o] Anno 1042. *ejus frater* Edwardus (ſtiled the Confeſſor) *annuente Clero & populo* Londoniis in Regem eligitur, *& ab Archiepiſcopo* Cantuarienſi Eadſio, & Eborac. Alfrico, *cum ſibi ſubjectis Epiſcopis* in Regem *magna pompa apud* Wintoniam (*or* Weſtm. as others ſtory) coronatur, ungitur, et conſecratur, *prima die* Paſchæ *Nonas* Aprilis; not one of our Hiſtorians making mention of any Coronation Oath then miniſtred unto or taken by him; only *William* of *Malmesbury* ſtories, that before his arrival in *England*, when he was ſent to by the Nobles to be Crowned, upon terms propoſed to him by Earl *Godwin*, *Nihil erat quod* Edwardus *pro neceſſitate temporis non polliceretur; ita utrinque fide data, quicquid petebatur* (privately by *Godwin*) Sacramento firmabit, before his arrival in *England*. I find Archbiſhop *Stratford* in his inſolent Epiſtle to King *Edward* the 1. (wherein he advanceth the Popes, Biſhops Authority, Canons, Conſtitutions, above the Crowns, Lawes, Cuſtomes of Kings and Emperors, who muſt ſubject their necks to them; and that Clergymen are not obnoxious to any Secular Powers, Judges, for Capital offences, but only to their Biſhops, by the Lawes of King *Cnute*) affirms, *Sanctus etiam* [p] Edwardus *in regnum* Angliæ *ſublimatus*, PRIUS JURAVIT, ſe Leges Canuti Regis inviolabiliter ſervaturum. And then aſſerts, that the Church was in poſſeſſion of the Liberties he contended for, tribus temporibus Regum diverſarum linguarum Inſulæ prædictæ, et præcipue et indubitanter tempore Sancti Edwardi; who ratified the Lawes of *Knute*. I muſt acknowledge, that in the Laws of [q] King *Edward* the *Confeſſor*, cap. 17. (not in *Cnutes*) I find this Law inſerted, *De Regis Officio, & de Jure & appendiciis Coronæ regni* Britanniæ. *Rex autem*, quia Vicarius ſummi Regis eſt, *ad hoc eſt conſtitutus, ut regnum terrenum, & populum Domini*, et ſuper omnia ſanctam veneretur Eccleſiam ejus, et regat, et ab injuriosis defendat, et maleficos ab ea evellat, et deſtruat, et penitus diſperdat. *Quod niſi fecerit, nec nomen Regis in eo conſtabit, verum teſtante Papa* Joanne nomen Regis perdit, &c. (After which followes in a different Character, as an additional Appendix ſince annexed to this Law.) *Debet verò de jure Rex omnes terras & honores, omnes dignitates, & jura & libertates Coronæ regni hujus* in integrum cum omni integritate, et ſine diminutione obſervare, et defendere; diſperſa et dilapidata, et amiſſa regni jura in priſtinum ſtatum et debitum viribus omnibus revocare, &c. Debet vero Rex Deum timere ſuper omnia et diligere, et mandata ejus per totum regnum ſuum ſervare. Debet etiam ſanctam Eccleſiam regni ſui cum omni integritate et libertate, juxta Conſtitutiones Patrum et prædeceſſorum ſervare, fovere, manutenere, regere, et contra inimicos defendere, ita ut Deus præ cæteris honoretur, et præ oculis ſemper habeatur. Debet etiam bonas leges, et conſuetudines approbatas erigere, prabas autem delere, et omnes a Regno deponere. Debet judicium rectum in regno facere, et juſtitiam per conſilium Procerum regni ſui tenere. Iſta vero debet omnia Rex in propria perſona, inſpectis et tactis ſacroſanctis Evangeliis, et ſuper ſacras et ſanctas reliquias coram regno, et Sacerdotio, et Clero JURARE, antequam ab Archiepiſcopis et Epiſcopis regni coronetur. From whence ſundry perſons have concluded, that King *Edward* the *Confeſſor*, yea all or moſt of our *Saxon* Kings before him at their *Coronations*, took ſuch an Oath as this Law mentions, before they were Crowned by the Archbiſhops and Biſhops; but finding no mention of any ſuch Oath preſcribed to him or his predeceſſors, in any of our ancient Hiſtorians,

n Mat. Weſt. p. 410, 411, 412. Florent. Wygornienſis Chr. p. 400, 401. Hoveden Annal. pars 1. p. 438. Hen. Huntindon Hiſt. l. 6 p. 364, 365. Simeon Dunelm. col. 180. Radulphus de Diceto col. 474. Chron. Johan. Bromton, col. 932, 933.

o Flor. Wygor. Chron. p. 404. Mat. Weſtm. p. 415. Will. Malmesburienſ. de Geſtis Regum Angl. l. 2. c. 13. p. 80. Hen. Huntindon Hiſt. l. 6. p. 364. Hoveden Annal. pars 1. p. 439. Sim. Dunelmenſis col. 181. Æthelredus Abbas Rievallis de Genealogia Regum Angl. col. 366. De Vita & Mirac. Edwardi Confeſſoris, col. 375 Chron. Joan. Bromton, col. 937. Gervaſius Act. Pontif. Cantuar. col. 1652. Henr. de Knyghton de Event. Angliæ, l. 1. c. 8. col. 2329. Polychron. Polydor. Virgil, Fabian, Caxton, Grafton, Holinſhed Speed, and others in his Life.

p Spelmanni Concil. Tom 2 p. 342. Here. p. 266.

q Gul. Lambardi Archaion, f. 130. & Abrahamus Whelochus Arkaionomia, p. 142.

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rians, and ſome Clauſes thereof being tranſcribed *verbatim* out of the *Great Charter* of King *John*, and *Henry de Bracton*, I cannot but eſteem it a figment of punier times, after ſuch Oathes impoſed on ſucceeding Kings by our Biſhops at their *Coronations*, to enlarge, ſupport their own and their Churches Juriſdictions, priviledges, beyond their antient limits.

r Lib. 3. de Actionibus, c. 9 f. 107.

As for the Coronation Oath mentioned in *Bracton*, viz.[r] *That the King* (*of* England) *at his Coronation ought* BY AN OATH *taken in the Name of our* Lord Jeſus Chriſt, to promiſe theſe 3. things to the people ſubject to him. *Imprimis, ſe eſſe præcepturum, et pro viribus opem impenſurum, ut* ECCLESIÆ DEI *& omni populo Chriſtiano vera pax omni ſuo tempore obſervetur. Secundò, ut rapacitates, et omnes iniquitates, omnibus gradibus interdicat: Tertio, ut in omnibus judiciis æquitatem præcipiat & miſericordiam, & quod per juſtitiam ſuam firma gaudeant pace univerſi*: without any Clauſe concerning King *Cnutes* Lawes, or defence of the Churches Liberties, it relates not to *Edward* the Confeſſors *Law* or *Oath*. It is very true, that the [f] *Pope* and *Prelates* taking advantage of this King *Edwards* extraordinary devotion and ſimplicity, encroached ſome more priviledges then they had before; eſpecially the Monaſteries of *Weſtminſter* and *Ramſey*, as his Charters to them demonſtrate; which he thus prefaced; [t] Summum Regibus et Principibus bonum eſt ſanctam Eccleſiam Dei exaltare et honorare, quia cum eam exaltant et honorant, cum ea, et in ea, et per eam exaltantur et honorantur; Which though true in a right ſence; yet not as abuſed, to the diminution of the Rights, Prerogatives, Revenues of the Crown, the Common Lawes of the Realm, or Laymens Liberties, or to advance the Prelates, Clergy above them, as their Lords paramount, who then engroſſed to themſelves alone, the Title of the *Church*, excluding the *Laity*, whereas this King included the Chriſtian Laity within the Title of the *Church*, as well as the *Clergy*.

f See Here, Tom. 1. p. 319. to 330.

t Monaſticon Angl. Vol. 1. p. 236.

After this King *Edwards* funeral, An. 1066. *Comes* Haroldus, *contra ſtatum & jurejurandum, contemptor præſtitæ fidei* (to wit, to *William* Duke of *Normandy*, that he ſhould ſucceed *Edward*) *ac nequiter oblitus ſui Sacramenti*, throno Regio ſe intruſit, per Archiepiſcopum Eboracæ Aldredum ſolenniter coronatus, as [u] *Ingulphus* Abbot of *Croyland* living in that age, relates. [x] *Florentius Wygornienſis*, [y] *Radulphus de Diceto*, [z] *Eadmerus*, [a] *Roger de Hoveden*, *Graſton*, and others ſtory; Haroldus *Comes* Godwini *filius*, quem Rex ante ſuam deceſſionem Regni ſucceſſorem elegerat, a totius Angliæ Primatibus ad Regale culmen electus, eodem die ab Aldredo Eboracenſi *Archiepiſcopo* in Regem eſt conſecratus, without mentioning any Oath propoſed to or by him. Yet [b] *Matthew Paris*, *Matthew Weſtminſter*, and ſome others ſtory, *extorta fide à Majoribus*, capiti proprio impoſuit Diadema, ſibique Regnum ſine Eccleſiaſtica authoritate imponendo aſſeruit, unde Papam Alexandrum, et omnes Angliæ Prælatos ſibi creabit inimicos: being loath this their acquired priviledge of Crowning Kings ſhould be interrupted, as if thereby they received their Crownes and Regal authority from them alone, and that upon ſuch Conditions, Oathes as they ſhould preſcribe them. But though *Harold* when Crowned King by Archbiſhop *Alfred* took no Coronation Oath, yet *Florentius Wygornienſis* itories of him, Nor ut regni gubernacula ſuſceperat, leges iniquas ſtatuere, æquas cæpit condere, Eccleſiarum et Monaſteriorum patronus fieri; Epiſcopos, Abbates, Monachos, Clericos, colere ſimul et venerari; to obtain their favour and aſſiſtance; he being as (*a*) *Ingulphus*, (*b*) *William Malmesbury*, (*c*) *Ailredus Abbas*, (*d*) *Henry Huntindon*, (*e*) *Mat. Paris*, (*f*) *Mat. Weſtminſter*, the Chronicle of (*g*) *Bromton*, (*h*) *Henry de Knyghton*, (*i*) *Thomas Walſingham*, (*k*) Mr. *Fox*, (*l*) Mr. *Lambard*, (*m*) *Speed* and others, ſtile him a *perjured Uſurper of the Crown*, to which he had no colour of Title, but by a feigned *deſignation* of King *Edward*, by which alſo *William* of *Normandy* claimed it, when as *Edgar Athelin* had the ſole legal hereditary right and title to it, as all Hiſtorians accord.

u Hiſtoria, p. 900.
x Chron. p. 428
y Abbr. Chron. col. 479.
z Hiſt. Novorum, p. 5.
a Annal. pars prior, p. 447.
b Hiſtoriæ, p. 2 Flores Hiſt. p. 433.

(a) Hiſtoriæ, p. 900. (b) De Geſtis Regum, l. 2. c. 11. (c) De Vita & Miraculis Edwardi Confeſſoris, col. 400 (d) Hiſt. l. 6. p. 384. (e) Hiſt. Angliæ, p. 2. (f) Flores Hiſt. p. 433. (g) Chron. col. 957. (h) De Event. Angl. l. 2. c. 6. (i) Ypodigma Neuſtriæ, p. 28. (k) Acts and Monuments Vol. 1. p. 214. (l) Britannia, p. 145, 146. (m) Hiſtory of Great Britain, p. 419.

n See Here, Tom. 1. p. 329, to 339.

King [n] *William* the 1. ſtiled the *Conqueror*, by the ſlaughter of *Harold* and moſt of his Army in a bloody battel, claiming the Crown but by a little better Title than he,

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as (though a baſtard) near allied to *Edward* the Confeſſor, who deſigned him to be his heir and ſucceſſor, (his ſword proving more ſucceſsful than *Harolds*,) refuſed to be crowned by *Stigand* Archbiſhop of *Canterbury*, (whom he ſoon after deprived, impriſoned till his death,) but was crowned by *Aldred* Archbiſhop of *Yorke*, (though he conſecrated and crowned *Harold* King) who preſcribed him an Oath, as [o] *Simeon Dunelmenſis*, [p] *Florentius Wigornienſis*, [q] *Roger de Hoveden*, [r] *Thomas Stubbs*, and others thus relate. *Ipſa Nativitatis die ab* Aldredo Eboracenſium *Archiepiſcopo apud* Weſtmonaſt. *in Regem totius* Angliæ *ſublimiter coronatum* inunxit, et conſecrabit honorifice, *prius* (ut idem Archiepiſcopus ab eo exigebat) ante Altare Sancti Petri Apoſtoli, coram Clero et populo JUREJURANDO PROMITTENS, Se bene Sanctas Eccleſias ac Rectores earum defendere, (which Clauſe occurrs not in any former Oath) necnon et cunctum populum ſibi ſubjectum juſte et regali providentia regere; Rectam legem ſtatuere et tenere; rapinas, injuſtaque judicia penitus amobere, or interdicere. [s] *William of Malmesbury* one of our exacteſt Hiſtorians, living in or near that time, renders his Oath thus, without this firſt Clauſe; *Exhortatus* Aldredus *conſecrationem egit*, *cracto prius coram* omni populo JURAMENTO, quod ſe modeſte erga ſubditos ageret, et æquo jure tam Anglos quam Francos, tractaret. The [t] Chronicle of *Bremen* thus relates the ſtory of his Coronation and Oath. *Cumque* Willielmus *Dux* Normanniæ, *Conqueſtor* Angliæ, *tyranni nomen exhorreſceret*, *& nomen legitimi Principis induere vellet*, *à* Stigando Cantuarienſi *Archiepiſcopo in Regem petiit conſecrari*. *Ille verò*, *ut quidem dicunt*, *cruento viro*, *& alieni juris invaſori manus imponere formidans*, *nullatenus adquievit: undè licet ipſe* Willielmus *eundem* Stigandum *ut noverat*, *multis modis blandè honoravit*, *ipſum tamen nunquam poſtmodum cordialiter amavit*, *&c.* *Requiſitus igitur* Eboracenſis *Archiepiſcopus* Aldredus, *vir utique bonus & prudens*, *intelligenſque cedendum eſſe tempori*, *& divinæ nequaquam reſiſtendum ordinationi*; * *Hoc modo hominem ferociſſimum ſpirantem adhuc*, *minarum & cædis in populum mitem reddidit*, *&* religioſis *pro conſervanda republica*; tuendaque Eccleſiæ diſciplina ſacramentis aſtrinxit; *& in ipſo proximo ſequenti die Nativitatis Domini poſt victoriam de prædicto Rege* Haraldo *habitam*, Londonius *apud* Weſtm. *hoc munus implevit*, ipſumque Regem Willielmum ad jura Eccleſiæ Anglicanæ tuenda et conſervanda, populumque ſuum recte regendum, et leges rectas ſtatuendum, ſacramento ſolempniter aſtrinxit. [u] *John Peckham* Archbiſhop of *Canterbury* in his arrogant Epiſtle to King *Edward* the firſt in the 9. year of his reign, affirms; Willielmus *etiam Rex*, *cui ſanctus* Edwardus *regnum contulit*, *Leges ipſius Sancti ſervandas eſſe conceſſit*, as if he promiſed it by his Oath at his Coronation. But this was no expreſſe clauſe in the Oath preſcribed him by *Aldred* at his Coronation, but in a ſubſequent Oath Anno 1072. (as *Speed* computes it) *when King* William *entring into a Parley with the* Engliſh *Nobility* (*who intended to ſet up* Edgar Atheling *King*, *for violating their ancient Lawes*, *and introducing new*) *be by Archbiſhop* Lanfrancks *adviſe*, taking his Oath upon the Holy Evangeliſts, *and the Reliques of St.* Alban *the Martyr*, (the Oath being miniſtred to him by Abbot *Frederick* of St. *Albans*; elected Captain of the forces then raiſed againſt him.) [x] Jurabit bonas et antiquas regni Leges, quas ſancti et pii Angliæ Reges, et maxime Rex Edwardus ſtatuit, inviolabiliter obſervare. [y] *Et ſic pacificati ad propria læti receſſerunt*; which Clauſe was afterwards inſerted into ſundry of our KingsCoronation Oathes. This [z] Archbiſhop *Aldred* from his very Crowning and preſcribing this Coronation Oath to King *William*, grew ſo inſolent, and exerciſed ſuch authority over him, like a Father, ut cum ille cæteris imperaret, ab eo ſibi imperari æquanimiter ſineret. I ſhall inſtance only in two memorable particulars: The Sheriff of [z] *Yorke* by this Kings Writ ſeiſing upon ſome proviſions of this Archbiſhops to victual the Caſtle of *York*, refuſing to reſtore them upon his demand, the Archbiſhop thereupon repaired to the King for reparations to *Weſtminſter*; *Cum autem veniſſet coram Rege*, *& Rex ei aſſurgere & oſculum porrigere paraſſet*, ille ſubſtitit, et cum baculo Pontificali ſtola circumdatus, nil veritus Majeſtatem Regiam, neque aſtantium Principum præterbiem, eum talibus verbis allocutus eſt. Audi, *inquit*, Willielme *Rex*, cum eſſes alienigena, & Deo permittente, noſtræque gentis ſuperbiam puniente Regnum *Britanniæ*, quamvis multò cum ſanguine optinueſſes, ego te in Regem conſecrabi, et coronam capitis tuo

o De Geſtis Regum Angl. col. 195.
p Chronicon p. 422.
q Annal. pars prior, p. 450
r Acta Pontif. Ebor. col. 1702
See Præfatio *Rogeri Twysden* ad Leges Willielmi primi, in Archaionomia Abrahami Whelocki, p. 155, 156.
s De Geſtis Pontif. Anglorum, l. 3. p. 271
t Col. 962.

* Gulielmus Neubrigenſis, l. 1. c. 1. p. 1, 2.

u See here, p. 269.

x Mat. Paris in Vita Fritherici Abbatis 13. S. Albani, p. 30. Speeds Hiſtory p 440, 441.
y Gul. Neubrigenſis l. 1. c. 5. p. 2. Chron. Johan. Bromton, col. 961.
z Tho. Stubs Acta Pontif. Ebor. col. 1703, 1704.

tuo cum benedictione impoſui; *Nunc autem quia ita meruiſti*, pro benedictione maledictionem tibi imponam, ſicut Eccleſiæ Dei Perſecutori et Miniſtrorum ejus oppreſſori, et promiſſionum atque juramentorum quæ mihi coram Altare Sancti Petri juraſti, tranſgreſſori. *Ad hæc verba Rex tremefactus* procidit ad pedes ejus, *humiliter afflagitans*, ut in quo tam grabem meruiſſet ſententiam aperiret. *Qui verò aſſiſtebant Regi* Primates regni in Archiepiſcopum frementes, miniſque et terroribus adverſus eum inſurgentes, ipſum merito de medio debere tolli, vel in exilium extra Regnum expelli, qui tanto Regi tantam injuriam irrogaſſet, urgebant eum ut Regem quam citius erigeret. *Ille vero non minis vel terroribus territus*, Sinite, *inquit*, boni viri, ſinite illum jacere; non enim jacet ad pedes Aldredi, ſed ad pedes Petri Apoſtoli. Debet enim experiri Petri potentiam, qui non eſt veritus Petri Vicario irrogare injuriam. To which I ſhall adde another inſolency of his towards this King, upon the ſame account that he was crowned and bleſſed by him, thus recorded by [a] *Malmesbury*. *Cum Rex importabilis tributi penſum à Provincialibus exigeret, convenit eum per legatos Antiſtes, quos agrè admiſſos cum turbulento reſponſo abegiſſet*; non moratus ille, maledictionis telum in illum et omnem ejus vibrabat progeniem. *Præfatus*; Poſſe ſe maledictionem dare merito, qui benedictionem dediſſet immerito; *quod cum relatum eſſet Regi amicorum admonitione delinitus miſit, qui Epiſcopum exorarent. Verumtamen prævenerat Nuncios mors Antiſtitis, qui ex ægritudine animi (ut pleramque fit) contracto morbo decubuerat*, becauſe he could not have his will in all things.

a De Geſtis Pontificum Angl. l. 3. p. 271

King *William* the Conqueror being ſick, deviſed *Normandy* to *Robert* his eldeſt ſonne; the Realm of *England* to *William Rufus* his ſecond; and a great ſumme of money to *Henry* his youngeſt ſonne, and then deceaſed 27 *Sept.* 1087. in *Normandy*. Whereupon [b] Willielmus *filius ejus, qui cum regni faſtidia fratri ſuo* Roberto, *præripere geſtaret et* Lanfrancum, ſine cujus aſſenſu in regnum aſciſci nullatenus poterat, *ſibi in hoc ad expletionem deſiderii ſui non omnino conſentaneum inveniret*, berens ne dilatio ſuæ conſecrationis inferret ei diſpendium cupiti honoris, *cepit tàm pro ſe, quam per omnes quos poterat* FIDE, SACRAMENTOQUE Lanfranco promittere, juſtitiam, æquitatem, et miſericordiam ſe per totum regnum, ſi Rex foret, in omni negotio ſerbaturum, PACEM, LIBERTATEM, SECURITATEM ECCLESIARUM CONTRA OMNES DEFENSURUM; necne præceptis atque conſiliis ejus per omnia et in omnibus obtemperaturum. *Sed cum poſt hæc in regno fuiſſet confirmatus* poſtpoſita pollicitatione ſua (made to *Lanfranc* in *Normandy*, not at his Coronation as *Eadmerus* ſtories) in contraria dilapſus eſt. *Super quo cum à* Lanfranco *modeſtè redarguaretur*, et ei ſponſio fidei non ſerbatæ opponeretur, furore ſuccenſus. Qui, *ait*, eſt qui cuncta quæ promittit implere poſſit? *Ex hoc igitur non rectis oculis ſuper Pontificem intendere valebat.* After this Oath and promiſe thus made, he haſting into *England* with *Lanfranc*. [c] *Sexto Kal.* Octobris *die Dominica in* Weſtmonaſterio *à* Lanfranco Archiepiſcopo conſecratus eſt in Regem; quo authore et annitente coronatus. [d] *Gervaſius Doroborneſis* in the life of *Lanfranc* writes. *Convocatis Epiſcopis & Primoribus* Angliæ, Lanfrancus elegit Willielmum *filium Regis*, ſacrabit et coronavit in Regem: *hunc enim antea educaverat & militem fecerat*: Not one of our Hiſtorians mention any Oath adminiſtred to, or taken by him at his Coronations; Soon after all the *Norman* Nobility but *Lanfranc*, reſolving to make *Robert* his elder Brother King of *England*, and to deliver him up priſoner to him, or murder him; raiſing up arms againſt him for that end in ſeveral places. [e] *His auditis, Rex fecit congregari* Anglos, *et oſtendit eis traditionem* Normannorum, *et rogavit, ut ſibi auxilio eſſent eo tenore, ut ſi in hac neceſſitate ſibi fideles exiſterent*, meliorem legem, quam vellent eligere, eis concederet, legeſque promiſit exoptabiles, et omne injuſtum Scottum interdixit, *et conceſſit omnibus ſylvas ſuas et venationem*: (an apparent evidence he made no ſuch Oath or promiſe to them at his Coronation) *Sed quicquid promiſit parvo tempore cuſtodivit.* Yea he bore ſuch a ſecret hatred to *Lanfranc* for exacting the premiſed Oath and promiſe to him, and reprehending him for breaking it, that he baniſhed him the Realm for a time as ſome write; and immediate-

b Eadmerus Hiſt. Novor. l. 5. p. 13, 14.

c Simeon. Dunelmenſis Hiſt. col. 214. Radulfus de Diceto Abbr. Chr. col. 488. Chr. Joan. Bromton col. 983. Will. Malmsburienſis De Geſt. Reg. l. 4. p. 120. Mat. Paris, Hiſt. Ang. l. p. 13. Rog Hoveden Annal. pars prior, p. 463. Mat. Weſtm. p. 12. Thomas Walſingham Ypodigm. Neuſtriæ, p. 35. Florentius Wygornienſis, Chron. p. 450. Hen. de Knyghton, de Event. Angl. l. 2. c. 5. col. 2351. Ceſtrenſis, Polydor Virgil, Cant. col. 1655.

d Gervaſius Dorobornenſis, Speed, Daniel, in Will. Rufus, Mat. Parker, Antiqu. Eccleſ. Brit. p. 99, 100. d Acta Pontif. e Henr. Huntindon. Hiſt. l. 7. p. 372. Hoveden, p. 461.

ly upon his decease, [f] *ipsam totius* Angliæ, Scotiæ *et* Hiberniæ, *necnon adjacentium Insularum matrem, Ecclesiam scilicet* Cantuariensem, *invasit, cuncta quæ juris illius erant, intus et extra, per Clientes suos describi præcepit, taxatoque victu Monachorum inibi Deo servientium,* reliqua sub censum atque in suum dominium redigi jussit, &c. keeping the Temporalties near 5. whole years in his hands before he advanced another Archbishop to that See. *Nec ista quæ diximus Ecclesiæ* Cantuariensi *facta sunt, desævit immanitas ista etiam in cunctis filiabus, qui viris suis, Episcopis scil. seu Abbatibus decedentibus, in viduitatem ea tempestate, cadebant. Et quidem* [*] *ipse primus hanc luctuosam oppressionem Ecclesiis Dei indixit, nullatenus eum ex paterna traditione excipiens.* Destitutas ergo Ecclesias solus in Dominio suo tenebat, as *Eadmerus*, then living complains. Thus *Lanfranck* and our other Prelates endeavouring to exalt, enlarge the Liberties and Priviledges of the Church, by advancing *William* to the throne, putting by *Robert*, and obliging him by Oath, *to preserve the peace, Liberties, Immunities of the Church against all men, and to obey their precepts, counsils intirely in all things*; were by divine retaliation more frustrated of their expectations and pretended or real Liberties by him, then by his Father the Conqueror.

f Eadmerus Hist. Novor. l. 1. p. 14. See Antiq. Eccles. Brit. 100, 102. & Gervasius, Actus Pontif. Cantuar. and Godwin in Lanfranco.

* A mistake: See Godwins Catalogue of Bishops, p. 10, 12, 15, 20, 32.

William Rufus being slain by *casualty* or rather *treachery* in *New Forest* An. 1100. (thereupon as our ancient Historians relate;) [g] *Cum Magnates* Angliæ *ignorarent quid actum esset de* Roberto *Duce* Normannorum, *Regis defuncti fratre primogenito, qui jam per quinquennium in expeditione* Hierosolymitana *moram pertraxerat, timuerunt diu sine regimine vacillare. Quod* Henricus *fratrum ultimus & juvenis sapientissimus, cum callidè cognovisset, congregato* Londoniis *Clero* Angliæ *& populo universo,* promisit emendationem legum, quibus oppressa fuerat Anglia tempore patris sui et fratris nuper defuncti, ut animos omnium in sui promotionem accenderet et amorem, et ut illum in Regem susciperent et patronum. Hereupon the Bishops and Clergy, to regain and enlarge their Priviledges, Ad hæc Clero respondente *& Magnatibus cunctis, quod si animo volente ipsis vellet concedere, & charta sua communire* illas libertates et consuetudines antiquas, quæ floruerunt in regno tempore Sancti Regis Edwardi; in ipsum consentirent, et in Regem unanimiter consecrarent. Henrico *autem hoc libenter annuente*; et se id facturum cum juramento affirmante, consecratus est in Regem *apud* Westmonasterium, *in die Assumptionis beatæ* Mariæ, favente Clero et populo, *cui continuò à* Mauritio Londinensi *Episcopo, & à* Thoma Eboracensi *Archiepiscopo*, (in the absence of *Anselm* Archbishop of *Canterbury*) corona capiti imponitur. [h] *Eadmerus* writes, that he sent Messengers and Letters to Archbishop *Anselm* then in exile, to hasten his comming into *England*; seipsum regnumque suum, ejus consilio ac moderamini se subjecturum pollicens: *In ipso suæ consecrationis die,* bonas et sanctas omni populo Leges se serbaturum, et omnes oppressiones et iniquitates, quæ sub fratre suo emerserant in omni sua Dominatione, tam in Ecclesiis quam in secularibus negociis prohibiturum et subbersurum sponderat. Et hæc omnia *JUSJURANDI* interjectione firmata per totum regnum divulgatum ire præceperat. Cum fuerat diademae insignitus, has libertates subscriptas in Regno, ad exaltationem Sanctæ Ecclesiæ, et pacem populi tenendam concessit. [*] *Henricus* Dei gratia Rex *Anglie, Hugoni de Boclande* Vicecomiti, & omnibus fidelibus suis, tàm *Francis* quàm *Anglicis* in *Herefordscyre*, salutem. Sciatis, me Dei misericordia, & communi Consilio Baronum Regni *Anglie*, Regem esse coronatum. Et quia Regnum oppressum erat injustis exactionibus, ego respectu Dei & amore, quem erga vos omnes habeo, sanctam Dei Ecclesiam liberam facio, ita quod nec eam vendam, nec ad firmam ponam, nec mortuo Archiepiscopo, vel Episcopo, vel Abbate, aliquid accipiam de dominio Ecclesiæ, vel de hominibus, donec successor in eam ingrediatur, &c. This was one of the first considerable usurpations our Archbishops and Bishops made upon the Kings and Crown of *England* by virtue of this Kings Coronation Oath and Charter in pursuit thereof (being not next heir to the Crown, but *Robert*, whom they deprived of it) whereby they devested them of their ancient prerogative, to sell, farm out, or receive the fruits, profits of all or any Archbishopricks, Bishopricks, Abbies, Monasteries Temporalties during their vacancies, till their plenarties, under pretext of the Churches Liberties: and encouraged the Pope and Archbishop *Anselm* to extort from him soon after the anci-

g Mar. Paris, p. 52, 53. Eadmerus, Hist. Novor. l. 3. p. 55. Will. Malmsburiensis, Hen. Huntindon, Roger Hoveden, Mat. West. Chron. Joan. Bromton, Gervasius, Hen. de Knyghton, Polychronicon, Fabian, Holinshed, Daniel, Speed, Grafton, Anno 1100. in Henrico 1.

h Hist. Novor. l. 3. p. 55.

* Mat. Paris, Hist. Angl. p. 53, 54. Here, Tom. 1. p. 400, 401. & Leges Henrici 2. in Abraham Wheloc. Spelmanni Concil. Tom. 2. p. 28, 31.

ent Right, Priviledge of *Inveſtitures* of Archbiſhops, Biſhops, Abbots, per annulum et baculum; and publickly to renounce it, to the prejudice of his Succeſſors, in a * Council at *London*, *Anno Dom.* 1107. wherein, *annuit Rex & ſtatuit, ut ab eo tempore in reliquum*, nunquam per donationem baculi paſtoralis vel annuli, quiſquam de Epiſcopatu vel Abbatia per Regem vel quamlibet laicum manum Inveſtiretur in Anglia; to the great impairing of the Rights of his Crown, Nobles, the diſhonour of himſelf and his ſucceſſors, and grand advancement of the Popes and Prelates Juriſdictions. Moreover this priviledge of crowning our Kings, and preſcribing an Oath, Charter to King *Henry* when crowned, ſo puffed up Archbiſhop *Ralph*, (*Anſelms* next ſucceſſor) that at the ſolemn Coronation of his Queen *Adelicia*, he imperiouſly commanded the King to pull off his Crown, and could hardly be perſwaded by the Nobles preſent not to pull, or ſtrike it off his head in a moſt arrogant manner, becauſe he or his predeceſſor had not ſet it thereon; thus related by [i] *Matthew Parker* his ſucceſſor, and others. *Cum Rex poſt* Pentecoſten Londinum *rediens* corona inſignitus in throno ſederet, et tum Regina conſecranda et coronanda eſſet, Rodulphus *Archiepiſcopus tunc miſſam celebraturus, ſacris altaribus aſtitiſſet, advertit Regem ſedere in ſolio ſuo* coronatum, *& admiratus eſt*; Sciens regni coronam ſe illi non impoſuiſſe, nec illam ab alio poſitam ſe præſente, jure ferre debuiſſe. *Divertit igitur infulatus & ſui Patriarchatus ſtola redimitus ab altari, &* ad Regem (*quia abſente* Anſelmo, *à* Thoma Eboracenſi *Archiepiſcopo*, in conſecratione Diadema impoſitum ei eſt) acceſſit. *Cui accedenti Rex comiter aſſurrexit. Quæſivit Archiepiſcopus*, quis ejus capiti Coronam impoſuiſſet? *Ad quo Rex demiſſo vultu*, Mea, *inquit*, haud refert, ideoque neque illius memini. At Archiepiſcopus atra bile percitus, inquit: Nullo id jure fecit, quiſquis ille fuerit: proinde aut tu a gerenda Corona ceſſabis, aut ego ab adminiſtranda miſſa, nec quamdiu capiti ſuo hoc modo inſederit, propoſiti negotii executor non exiſtam. *Ad hæc Rex nihilò turbatus, vultu placido & modeſto reſpondit*: Si, ut ais, hoc Diadema capiti meo non jure imponitur, tu id facias, quod juri cenſeas conſentaneum, ego non refragabor. *Quo dicto*, acceſſit propius Archiepiſcopus, manuſque ad Diadema Regis capiti detrahendum attollens, *cum Rex etiam fibulam ſub mento ligatam, qua Diadema capiti vinciretur, ſolveret*; Proceres, Regis modeſtiam, et Archiepiſcopi iracundiam admirantes, *una voce in Archiepiſcopum ferebantur, inſtabantq;* ne in tam ſolemni Reginæ coronatione Regi Diadema auferret. *Quorum clamoribus actus* Rodulphus vir eſt inflexus, quin Regiam coronam de capite Regis excuſſiſſet. *Eadmerus*, and *Gervaſius Dorobornenſis* write; Pontifex elevatis manibus ſuſtulit coronam de capite Regis. *Quod hi qui circumſtabant intuentes, omnes clara voce Pontificem parcere*, et Regio capiti Coronam remittere petiverunt. Adquievit ille, et mox juxta Regem Coronatum aſtans, *Canticum* Gloria in excelſis, *exorſus eſt, & ſubſequentia, ut conſuevit, choro canente, miſſa illa quietè peracta eſt.* Ex quo perſpici poſſit (writes Archbiſhop *Parker*) quam intempeſtive et impudenter lenitate Principis, illius generis homines abuſi ſunt, qui Monachali ſanctitate ſe digniores reliquis, et in Principes habere imperium putabant; by this pretended Right of Crowning them.

Upon the death of this Archbiſhop *Ralph*, his next ſucceſſor *William Corbell*, together with the reſt of the Biſhops advanced by this Kings favour, after his deceaſe, thinking that King *Henry* (though very indulgent to them) uſed himſelf not altogether for their purpoſe, and that they ſhould do God good ſervice in providing for the better advancement of the Church, if they might ſet up and create a King chiefly by their eſpecial means and authority, who would follow their Counſel better, and reform ſuch things as they judged amiſſe, (as [k] *Raphael Holinſhed* obſerves) contrary to their expreſſe Oathes to King *Henry*, and *Maude* his right heir (*to crown her Queen after his deceaſe,*) moſt perfidiouſly put her by the Crown, (as they did *Robert* his elder brother, when they crowned him in his ſtead) electing and Crowning *Stephen* his Nephew againſt his and their Oaths, for their King; Willielmus *quoque* Cant. *Archiepiſcopus*, qui primus Sacramentum fecerat Imperatrici de regno Angliæ, Stephanum (prob dolor, adds *Hoveden*) in Regem benedixit. The Solemnities and Prayers uſed at his and his Queens Coronation, are at large recorded in *Gervaſius Tilburienſis* his Chronica, col. 1587, 1588. to which I referr you. What new Oath, Articles the Prelates and Clergy for enlargement of their Juriſdiction

* Eadmerus Hiſt. Novor. l. 4. p. 91. Mat. Par. p. 60. Mat. Weſtm. p. 26. Spelmanni Concil. Tom. 2. p. 27, 28. See Here, Tom. 2. p. 427.

i Antiqu. Eccleſ. Brit, p. 111, 112. Eadmerus Hiſt. Novorum, l. 6. p. 137. Polychronicon, l. 7. c. 15. Chron. Johan. Bromton, col. 1013. Gervaſius Acta Pontif. Cantuar. col. 1661, 1662. Hen. de Knyghton de Event. Angliæ, l. 2. c. 8. col. 2380. Speeds Hiſtory of Great Britain, p. 475.

k Chronicles, Vol. 3. p. 96: Hoveden Annal. pars 1. p. 481. See Here, Tom. 1. p. 489, 490.

Juriſdiction and Liberties preſcribed to him, and what a new Prelatical Conditional Oath of fealty they took to him; [l] *William of Malmesbury* living in that age will beſt inform us, who relates, Anno 1135. Non multo poſt adventum Comitis, juraberunt Epiſcopi fidelitatem Regi, (conditionally, that is, *Trajt. roufl*) I might ſay, writes [m] *Speed*) quamdiu ille libertatem Eccleſiæ et vigorem diſciplinæ conſerbaret: Ipſe quoque jurabit juxta tenorem ſcripti, *quod ſic habetur in ſubditis. Ego* Stephanus *gratia* Cleri et populi in Regem Angliæ electus, et a Domino Willielmo Archiepiſcopo Cantuariæ, et Sanctæ Eccleſiæ Romanæ Legato conſecratus, et ab Innocentio Sanctæ ſedis Romanæ Pontifice poſtmodum confirmatus, reſpectu et amore Dei, ſanctam Eccleſiam liberam eſſe concedo, et debitam reberentiam illi confirmo. Nihil me in Eccleſia, bel in rebus Eccleſiaſticis Symoniace acturum, vel permiſſurum eſſe promitto. Eccleſiaſticarum perſonarum et omnium Clericorum, et rerum eorum juſtitiam et poteſtatem, et diſtributionem bonorum Eccleſiaſticorum in manu Epiſcoporum eſſe perbibeo et confirmo. Dignitates Eccleſiarum privilegiis earum confirmatas, et conſuetudines earum antiquo tenore habitas, inbiolate manere concedo et ſtatuo. Omnes Eccleſiarum poſſeſſiones et tenuras, quas die illa habuerant, qua Willielmus Rex, abus meus, fuit bibus et mortuus, ſine omnium calumniantium reclamatione eis liberas et abſolutas eſſe concedo. Si quid bero de habitis aut poſſeſſis ante mortem Regis, quibus modo careat, Eccleſia deinceps repetierit, indulgentiæ et diſpenſationi meæ, bel diſcutiendum, bel reſtituendum reſerbo. Quæcunque bero poſt mortem Regis liberalitate Regum, largitione Principum, oblatione bel comparatione, bel qualibet tranſmutatione fidelium collata ſunt, confirmo: pacem me et juſtitiam in omnibus facturum, et pro poſſe meo conſerbaturum promitto. *Foreſtas, quas* Willielmus *Rex avus meus, &* Willielmus *ſecundus Avunculus meus inſtituerunt & tenuerunt, mihi reſervo. Cæteras omnes, quas* Henricus *Rex ſuperaddidit*, Eccleſiis et Regno, quietas reddo et concedo. Si quis autem Epiſcopus bel Abbas, bel alia Eccleſiaſtica perſona ante mortem ſuam rationabiliter ſua diſtribuerit, bel diſtribuenda ſtatuerit, firmum manere concedo. Si bero morte præoccupatus fuerit, pro ſalute animæ ejus Eccleſiæ conſilio eadem fiat diſtributio. Dum bero ſedes propriis fuerint paſtoribus bacuæ, et ipſæ et omnes earum poſſeſſiones in manu et cuſtodia Clericorum, bel proborum hominum ejuſdem Eccleſiæ committantur, donec paſtor canonice ſubſtituatur. *Omnes exactiones & meſcheningas, & injuſtitias, ſive per Vicecomites, vel per alios quoſlibet malè inductas funditus extirpo. Bonas Leges, & antiquas, & juſtas conſuetudines in murdris, & placitis, & aliis cauſis obſervabo, & obſervari præcipio, & conſtituo: apud* Oxeneford *Anno incarnationis Domini* 1136. *Regni mei primo. Nomina teſtium, qui multi fuerunt, apponere faſtidio; quia penè omnia ita perperam mutavit*, (being deſtructive to, and inconſiſtent with the ancient Rights of the Crown) *quaſi ad hoc tantum juraſſet*, ut prævaricatorem Sacramenti ſe regno toti oſtenderet; as *Malmesburienſis*, and *Matthew Paris* too concludes almoſt in the ſame words, who recites the Heads of his Oath and Charter.

[l] Novellæ Hiſt. l. 1. p. 179. Mat. Paris, Hiſt. Angl. p. 71. who recites the heads of this Oath and Charter.

[m] Hiſtory of Great Britain, p. 484. nu. 4.

And here I cannot but obſerve the admirable Providence and divine Juſtice of God upon our perjured Biſhops and Prelates; who violating their ſacred Oaths to the Empreſſe *Maude* and her father, in diſinheriting her and Crowning *Stephen*, to advance their own Hierarchy, Canons, Liberties and Juriſdictions, to which they obliged him both by his premiſed Coronation Oath, Charter, and incouraged him thereby to violate them ſoon after; yea, *made him a principle inſtrument to impriſon their perſons, ſeiſe their Caſtles, Treaſures, and trample their Canons under feet, burn, tear the Books of the Canon Law, by which he would not be judged, and prohibit all Lectures of it by* Vacarius *and others in the Univerſity of* Oxford, *to their great diſappointment, diſcontent; and involved the while Kingdom in bloudy Wars during moſt of King* Stephens *reign*, wherein theſe perfidious, ambitious Prelates were the *greateſt ſufferers*, as my [n] *First Tome* will at large inform you. Moreover, it is obſervable, how God croſſed the King by his Biſhops, and made them enemies to each other in the point of crowning his ſon; *An. 17 regni ſui Rex* Stephanus *filium ſuum* Euſtachium Regio Diademate voluit inſignire: *poſtulans igitur ab* Archiepiſcopo Cantuarienſi Theobaldo et cæteris Epiſcopis, ut eum in Regem ungerent, et benedictione ſua confirmarent, repulſam paſſus eſt. *Papa ſiquidem literis ſuis* Archiepiſcopo prohibuerat, ne filium Regis in Regem ſublimarent; *videlicet*,

[n] Page 531, to 574.

quia Rex Stephanus regnum contra jusjurandum præripuiſſe videbatur. *Intimo igitur dolore decoctus & ira nimiâ ferveſcens, tàm pater quàm filius in domo quadam* omnes includi juſſerunt, et vehementer angariantes, ut poſtulata peragerent, compellabant. *Illi ſummo perterriti timore*, (*Rex namque* Stephanus *nunquam Clericos liquidè dilexerat*, by reaſon of their perjury and encroachments on the Crown, *& pridem duos incarceravit Epiſcopos*) *reſtiterunt tamen*, capitum ſuorum periculo nihil metuentes. *Receſſerunt tamen* omnes illæſi, poſſeſſionibus quidem ſpoliati, *quæ poſtea Rege pœnitente habuerunt*; as [o] *Henry Huntindon* and others ſtory.

o Hen. Hundon Hiſtor. l. 8 p. 395. Chronica Gervaſii col. 1371. & Actus Pontif. Cant. col. 1668. Antiqu. Eccleſ. Brit. p. 117. Holinſhed, Vol. 3. p. 57, 59. Godwins Catalogue of Biſhops, p. 41. See Here, Tome 1. p. 368, 369.

Upon the death of King *Stephen*, Anno 1154. who (after many years bloody inteſtine warrs) to procure his peace was enforced to adopt and declare *Henry* the 2d, ſon of the Empreſſe *Maude*, to be both his adopted ſon, ſucceſſor, and right heir to the Crown. *Henry* ariving in *England*, [p] 14 *Kalendas* Januarii *die Dominica apud* Weſtmonaſterium *ab omnibus* Rex acclamatus, *à* Theobaldo Cantuarienſi *Archiepiſcopo* in Regem conſecratur, benedicitur et inunctus eſt, præſentibus Epiſcopis, *& Baronibus regni* Anglorum *& Ducatus* Normannorum; (Radulfus de Diceto addes, *præſente Archiepiſcopo* Eboracenſi *& aliis Epiſcopis* Angliæ, Rogerus Eboracenſis *Archiepiſcopus* manum non oppoſuit:) *hæreditariumque regnum* ſine diminutione ſuſcepit, *congaudentibus & conclamantibus turbis*, Vivat Rex; writes the Chronicle of *Bromton*: *Aſtantibus & cooperantibus* Archiepiſcopis duobus, Epiſcopis 14. *Comitibus & Baronibus* Anglicanis *et tranſmarinis*, *& innumera multitudine plebis*. *Regina quoque* Alienora, *à Rege* Francorum Ludovico *repudiata*, cum ipſo Coronata eſt; as *Gervaſius Dorobornenſis* ſtories. Anno 1158. *qui erat Annus* 4. *regni ſui*, *idem Rex* Henricus *ſecundò ſe fecit* coronari *apud* Lincolniam *extra muros Civitatis in* Wickeford. *Anno Gratiæ* 1159. *qui erat Annus* 5. *regni ſui*, *idem Rex* Henricus *tertiò* fecit ſe, et Alienor. uxorem ſuam coronari *apud* Wereceſtre; *ubi cum ad oblationem venirent*, depoſuerunt coronas ſuas, et eas ſuper altare obtulerunt; *voventes Deo*, quod nunquam in vita ſua de cætero coronarentur; as [q] *Roger de Hoveden*, with [r] *others* ſtory. I finde no mention of any Oath preſcribed to him by the Biſhops, or taken by him at either of theſe 3. Coronations in any of our Hiſtorians, which they would have mentioned, had he taken any; the laſt Oath preſcribed by the Biſhops to King *Stephen* being ſuch, as the Biſhops who oppoſed his Title durſt not tender him at his Coronations.

p Mat. Paris Hiſt. Angl. p. 88. Mat. Weſt. p. 43. Henry Huntindon Hiſt. l. 8. p. 398. Radulfus de Diceto, Ymag. Hiſt. col. 529. 616. Chron. Johannis Bromton col. 1043 Chronica Gervaſii Dorobornenſis col. 1376, 1377 & Actus Pontif. Cant. col. 1668 Polychronicon, Fabian, Caxton, Polydor Virgil, Grafton, Holinſhed, Speed, Daniel, Baker in Henry 2.

q Annal. pars poſterior, p. 491.

r Mat. Weſtm. p. 44. Matth. Paris, p. 93.

[s] Anno 1170. King *Henry* the 2d. reſolving to Crown his ſon *Henry* King in his life-time, *Idibus* Julii, *Convenerunt ad mandatum Regis* Anglorum Henrici *apud* Weſtmonaſterium, Rogerus *Archiepiſcopus & omnes Suffraganei* Cantuarienſis *Eccleſiæ Epiſcopi* ad Coronationem Henrici filii Regis primogeniti, qui patre jubente coronatus eſt ſolenniter a Rogero Eboracenſi Archiepiſcopo 14 *Kalendas* Julii, contra prohibitionem Domini Papæ; *qui literas ipſi Archiepiſcopo & aliis Epiſcopis in hæc verba direxit.* — Univerſitati veſtræ auctoritate Apoſtolica penitus inhibemus, ne quiſquam veſtrum novum Regem coronando, ſi fortè caſus emerſerit, abſque aſſenſu Cantuarienſis Archiepiſcopi, et Cantuarienſis Eccleſiæ conniventia, ſecundum ejus antiquam conſuetudinem et dignitatem manum apponere, qualibet occaſione præſumat, aut id aliquatenus attemptare. — Sed hæc fruſtra, *quia antequam literæ eſſent promulgatæ, negotium fuerat conſummatum.* Hereupon, [t] Pope *Alexander* the 3d. (at Archbiſhop *Beckets* inſtigation, then in exile for his Rebellion and Sedition againſt the King,) excommunicated the Biſhops of *London*, *Salisbury*, and moſt other Biſhops of *England*, and ſuſpended the Archbiſhop of *Yorke*, the Biſhop of *Durham*, together with the Biſhops of *Exeter*, *Cheſter*, *Rocheſter*, *St. Aſſaph* and *Landaff*, ab omni officio Epiſcopali et dignitate, pro temeraria præſumptione in Coronatione novi Regis, contempto Thoma Cantuarienſi Archiepiſcopo, ad cujus officium de antiquo jure dinoſcitur pertinere. In Coronatione vero illius, NULLA de more, DE CONSERVANDA ECCLESIÆ LIBERTATE, CAUTIO JURATORIA EST PRÆSTITA, NEC

f Mat Paris Hiſt. Angl. p. 117.

t Gul. Neubrigenſis Rerum Angl. l. 2. c. 25. Gervaſii Dorobern. Chron. col. 1413 Mat. Paris Hiſt. Angl. p. 117, 118. Hoveden Annal. pars poſterior, p. 518, 519. Radulfus de Diceto, Ymag. Hiſtor. col. 553 554. Speeds Hiſtory p. 505, to 512. Here, Tom. 2. p. 680, to 690.

NEC (*ſicut aiunt*) A VOBIS EXACTA: (as this Pope writ to theſe Biſhops; for which he and *Becket* were much incenſed againſt them) *Sed potius* JURAMENTO ASSERITUR CONFIRMATUM, ut Regni conſuetudines antiquas, SUB QUIBUS DIGNITAS PERICLITATUR ECCLESIÆ, illibatæ debeant omni tempore obſervari. *In quo etſi multum præeminati Regis vehementia nos perturbat*, amplius tamen de veſtra et aliorum Epiſcoporum veſtrorum poſſumus infirmitate moveri, qui quod dolendo dicimus, facti ſunt arietes non habentes cornua, &c. *Noveritis itaque vos*, tamdiu ab Epiſcopali officio, commiſſa Nobis a Deo auctoritate ſuſpenſos, donec ad ſedem Apoſtolicam, de tanto exceſſu ſatisfacturi, accedatis, niſi præfato Archiepiſcopo ita ſatisfacere curaveritis, ut pœnam iſtam ipſe judicet relaxandam. Theſe high affronts, (together with [u] *Beckets* inſolent Letter to the King, telling him; That by the Canon not Common Lawes, nor yet by the Secular power, but by the Biſhops and Prieſts, Almighty God would have the Clergy of the Chriſtian Church to be governed and ruled; that Chriſtian Kings ought to ſubmit all their doings unto Eccleſiaſtical Rulers, and not to preferre themſelves; for it is written (in the Canon Law) That none ought to judge the Biſhops, but only the Church, neither doth it pertain to mans Law to give ſentence upon any ſuch; but many Biſhops have excommunicated Kings and Emperors, &c.) ſo highly incenſed [x] King *Henry* the 2d. againſt Pope *Alexander*, that by the adviſe of *Gilbert* Biſhop of *London* and others, he ſent expreſſe Meſſengers and ſolemn Letters to this Pope, in quibus expreſſe Domino Papæ denunciarent, quod niſi ſuperbiam Thomæ Cantuarienſis Archiepiſcopi ſeveritatis pede contereret; Ipſe, et omnes Barones Angliæ, cum viris Eccleſiaſticis ab ejus obedientia recederent: And the King was ſo extraordinarily enraged againſt Archbiſhop *Becket*, that he was almoſt beſides himſelf; *aſſerens*, ſe ignobiles et ignavos homines nutrivisſe, quorum nec unus tot ſibi illatas injurias voluerit vindicare. Whereupon 4. of his Courtiers *juramento* ſe conſtrinxerunt, to reduce *Becket* to a dutifull ſubmiſſion to the King, by abſolving thoſe Biſhops excommunicated and ſuſpended for Crowning his ſonne; (unde videtur, quod et vellet Coronam de Capite tollere; as they told *Becket*,) or elſe to kill him; who refuſing to abſolve them upon the Kings Meſſage to, and their expoſtulations with him, they thereupon ſlew him as an *incorrigible obſtinate Traytor, and Rebel to his Soveraign*, though ſoon after Canonized, adored by the Pope and Clergy for a moſt glorious Saint and Martyr for the Liberties of Holy Church, whoſe blood was more effectual to ſave thoſe who prayed to him, then the blood of Chriſt himſelf.

u Fox Acts and Monuments Vol. 1. p. 278, 279. Here, Tome 1. p. 651, 668.

x Mat. Paris Hiſt. Angl. p. 106, 107. See Tom. 1. p. 669, 670.

y Gul. Neubrigenſis, l. 2. c 25 Chronicon Gervaſii, col. 1414, 1415. Hoveden annal. pars poſterior, p. 525, 526. Here, Tom. 1. p. 685, 686. &c. See Speed, Holinſhed, Grafton, Daniel.

From which paſſages, I ſhall obſerve theſe three particulars; 1. What a uſurped abſolute power *Becket* and the Archbiſhops of *Canterbury* claimed, in and by reaſon of their frequent Coronation of our Kings, that they muſt not be crowned but by what Biſhops they pleaſed, as a right belonging to them, the violation whereof, though by our Kings expreſſe commands in their abſence, demerited the ſevereſt Eccleſiaſtical cenſures. 2ly. Pope *Alexanders* and *Beckets* outragious indignation againſt the Archbiſhop of *Yorke*, and other Biſhops who crowned young King *Henry*, for not propoſing to, and exacting from him a Cautionary Oath at his Coronation, *for the confirmation of the Churches Liberties*, which they impoſed on and exacted from *Henry* the 1. and King *Stephen*, to the great derogation of the Churches honor and priviledges, but only this laudable, uſual Oath, *perpetually* to maintain the antient Conſtitutions and Liberties of the Kingdom, by which the pretended Liberties and Canons of the Church they contended for were endangered. 3ly. King *Henry* the 2. his great indignation, magnanimous Oppoſition and reſolution againſt theſe uſurpations and proceedings both of the Pope and Archbiſhops, as tending to his *uncrowning*, *unkinging*; threatning totally to renounce and caſt off both the Pope and Church of *Rome*, if they did not right him therein againſt *Beckets* inſolencies: and animating his Courtiers to kill him as an unſufferable, incorrigible Arch-Traytor, not worthy to breath any longer within his Dominions.

King *Henry* deceaſing Anno 1189. *Richard* the 1. his ſon and heir repairing into *England*, was Crowned with extraordinary ſolemnity, ceremonies and prayers by *Baldwin* Archbiſhop of *Canterbury*, Anno 1189. *die Dominica* 3. *Septembris*; the ſolemnities and prayers uſed at his Coronation are at large related by [z] *Radulphus*

z Ymag. Hiſt. col. 647.

phus de Diceto,[a] *Gervaſius Dorobornenſis*,[b] the *Chronicle* of *Bromton*,[c] *Henry Huntindon*,[d] *Matthew Paris*,[e] *Thomas Walſingham*, and[f] *others*. The Oath he then took at the High Altar in *Weſtminſter* Abbey, is thus regiſtred in *Bromton*. *Coram prædictis Archiepiſcopis, Epiſcopis, Abbatibus, Comitibus, Baronibus*, (there named) Clero & *populo* Richardus *Dux hæc tria Sacramenta fecit. Inprimis, itaque* jurabit & *vovit* Sacroſanctis Evangeliis, & *plurimorum Sanctorum reliquiis coram eo poſitis*, quod pacem et honorem et reverentiam omnibus diebus vitæ ſuæ portabit Deo et Sanctæ Eccleſiæ, et ejus ordinatis. *Deinde*, jurabit *quod rectam juſtitiam exercebit in populo ſibi commiſſo. Deinde*, jurabit *quod Leges malas & conſuetudines perverſas, ſi aliquæ ſint in Regno ſuo, delebit, & bonas cuſtodiet. Deinde exuerunt eum veſtibus ſuis quibus indutus fuerat*, &c. *Deinde Archiepiſcopus* Cantuar. unxit eum in Regem, infundens oleum ſanctum deſuper eum in tribus locis, *ſcilicet* in capite, in ſcapulis, et in brachio dextero, *cum orationibus*, &c. *Deinde poſuit ſuper caput ejus conſecratum pannum*, &c. *Deinde veſtierunt eum Regalibus veſtimentis*, &c. *Deinde tradidit ei Archiepiſcopus gladium*, &c. *Deinde indutus mantello, ductus eſt ad altare*, et conjuratus ab Archiepiſcopo et prohibitus ex parte Dei, ne hunc honorem ſibi aſſumat, niſi in mente habeat tenere ſacramenta et bona quæ ſuperius fecit, (not uſed to any of our precedent Kings at their Coronations) *Et ipſe reſpondet*, De per Dei auxilium omnia ſuprædicta obſervaturum bona fide. *Deinde cepit coronam de altari, & tradidit eam Archiepiſcopo, qui poſuit eam ſuper* caput Regis; et ſic Coronatus, *Rex ductus eſt ad ſedem ſuam, &c. Quia verò tunc temporis* Londonienſis *vacabat Eccleſia*, Radulphus de Diceto *Eccleſiæ S.* Pauli *Decanus*, tam in Oleo ſancto, quam in Chriſmate *miniſtravit Archiepiſcopo*, as *Diceto* himſelf and *Walſingham* relate.

[a] Chronica, col. 1587, 1588.
[b] col. 1157, 1158, 1159.
[c] Annal. Pars poſter. p. 656, 657.
[d] Hiſt. Angliæ, p. 146, 147.
[e] Ypodigma Neuſtriæ, p. 45, 46.
[f] Speeds Hiſtory of Great Britain, p. 540.

[g] Anno 1194. King *Richard* the 1. upon his return from the *Holy Land*, and redemption from his long captivity; in the 5. year of his reign, *apud* Wintoniam *in Octabis* Paſchæ, *Conſilio Primatum ſuorum, licet aliquantulum renitens ignominiæ captivitatis jam deterſæ*, quaſi Rex novus ſolenniter Coronatus eſt, Huberto Cantuarienſi *Archiepiſcopo miſſam celebrante*, & Williemo *Rege* Scottorum *piiſſimo tunc præſente. Poſt* Coronationis ſuæ ſolempnia (not particularly related) *portus marinos ſtatuit obſervare*, &c. I find no Coronation Oath then preſcribed to or taken by him at this his ſecond Crowning.

[g] Mat. Paris Hiſt. Angl. p. 169. Chronicon Joannis Bromton, col. 1258. Henr. de Knyghton de Event. Angl. l. 2. col. 2408.

King *Richard* deceaſing Anno 1199. thereupon Earl *John* his brother, was crowned and ſworn Duke of *Normandy* at *Rhoan*, and afterwards crowned King of *England*, rather by election then as an hereditary King, (*Arthur* Duke of *Britain*, ſon of his elder brother, having the beſt right to the Crown, as many aſſerted) whoſe Coronation[h] *Mat. Paris*, *Hoveden*, and others out of them, thus relate. *Comes* Johannes Rothomagum *veniens, in Octavis* Paſchæ *gladio Ducatus* Normanniæ *accinctus eſt, in matrice Eccleſia, per Miniſterium* Walteri Rothomagenſis *Archiepiſcopi, ubi Archiepiſcopus memoratus ante majus Altare in capite ejus poſuit Circulum aureum, habentem in ſummitate per gyrũ roſulas aureas artificialiter fabricatas.* Et Dux coram Clero et populo jurabit ſuper reliquias ſanctorum et ſuper Evangelia ſacroſancta, quod ipſe ſanctam Eccleſiam et ejus Dignitates bona fide et ſine malo ingenio defenderet, et ordinatos honoraret: *Juravit etiam, quod Leges iniquas, ſi quæ eſſent, deſtrueret, & bonas ſurrogaret. Per idem tempus, Dux* Normanniæ Johannes *transfretavit in* Angliam, & *apud* Sorham *applicuit octavo Kalendas* Junii, & *in craſtino vigilia, viz.* Dominicæ Aſcenſionis, Londonias *venit, ibidem coronandus. Congregatis itaque in adventu ejus*, Archiepiſcopis, Epiſcopis, *Comitibus, & Baronibus, atque aliis omnibus, qui ejus coronationi intereſſe debuerunt*, Archiepiſcopus *ſtans in medio omnium, dixit:* Audite univerſi, Noverit diſcretio veſtra, quod nullus prævia ratione alii ſuccedere habet regnum, niſi ab univerſitate Regni unanimiter, invocata Spiritus gratia electus, et ſecundum morum ſuorum eminentiam prælectus; ad exemplum & ſimilitudinem *Saul* primi Regis inuncti, quem præpoſuit Dominus populo ſuo, non Regis filium, nec de Regali ſtirpe procreatum. Similiter, poſt eum *David Semei* filium: hunc quia ſtrenuum & aptum dignitati Regiæ, illum quia ſanctum & humilem. Ut ſic qui cunctos in regno ſupereminet ſtrenuitate, omnibus præſit & poteſtate & regimine. Verum ſi quis ex ſtirpe Regis defuncti aliis præpolleret, promptius et promptius in electionem ejus eſt conſentiendum. Hæc idcircò diximus, pro inclyto Comite *Johanne*, qui præſens

[h] Mat. Paris Hiſt. Angl. p. 189. Roger Hoveden Annal. pars poſterior, p. 792, 793. Matthew Weſtm. p. Ralph Holinſhed, p. 457. Speeds Hiſtory p. 549, 550. Polydor Virgil. Angl. Hiſt. l. 15. p. 265. Daniels Hiſtory, p. 127, 128.

preſens eſt, frater illuſtriſſimi Regis noſtri *Richardi* jàm defuncti, qui hærede caruit ab eo egrediente, qui providus & ſtrenuus & manifeſtè nobilis, quem nos, invocata Spiritus ſancti gratia, ratione tam meritorum, quam ſanguinis Regu unanimiter elegimus univerſi. *Erat autèm Archiepiſcopus vir profundi pectoris, & in regno ſingularis columna ſtabilitatis, & ſapientiæ incomparabilis.* Nec auſi erant alii ſuper his adhuc ambigere, ſcientes quod ſine cauſa hoc non ſic diffinitverat. *Verum Comes* Johannes *& omnes hoc acceptabant, ipſumque Comitem in Regem* eligentes et aſſumentes, exclamant dicentes, VIVAT REX. *Interrogatus autem poſtcà Archiepiſcopus* Hubertus, quare hæc diriſſet; *reſpondit, ſe præſaga mente conjecturare, & quibuſdam oraculis edoctum & certificatum fuiſſe,* quod ipſe Johannes Regnum et coronam Angliæ ſoret aliquando corrupturus, et in magnam confuſionem præcipitaturus. Et ne haberet liberas habenas hoc faciendi. Ipſum electione non ſucceſſione hæreditaria, eligi debere affirmabit. Archiepiſcopus autem imponens capiti ejus coronam, unxit eum in Regem apud Weſtmonaſterium, *ſcilicet in Eccleſia Principis Apoſtolorum,* Dominicæ Aſcenſionis *die, ſexto Kalendas* Junii, Philippo Dunelmenſi Epiſcopo appellante, ſed non obtinente, ne coronatio illa fieret in abſentia G. Archiepiſcopi Eboracenſis. In hac Coronatione Rex *Johannes* triplici involutus eſt ſacramento: Quod *viz.* Sanctam Eccleſiam et ejus ordinatos diligeret, et eam ab incurſione malignantium indemnem conſervaret: *&, quod perverſis Legibus deſtructis, bonas ſubſtitueret,* et rectam juſtitiam in Regno Angliæ exerceret. Deinde adjuratus eſt ab eodem Archiepiſcopo ex parte Dei, et diſtricte prohibitus, ne honorem hunc accipere præſumeret, niſi in mente habeat opere, quod juraverat, adimplere. Ad hoc ille reſpondens, promiſit ſe per auxilium Dei, bona fide, ea quæ juraverat, ſervaturum. *In craſtino autem, homagiis & fidelitatibus acceptis, &c.*

In this Kings Coronation (during whoſe reign the Pope and Prelates uſurped more, and greater Juriſdictions over his Perſon, Crown, Realm, than in all former Kings reigns, as [i] *I have already evidenced*) we may obſerve: Firſt, Archbiſhop *Huberts* arrogant, cunning, diſloyal ſpeech; wherein by his own Archiepiſcopal Authority (as the Grand Oracle, Pillar both of Church and State) he proclamed before all the reſt of the Biſhops of *England,* (being 13 in number named by [k] *Hoveden*) beſides *Johanne Dublinenſi,* & *de Kaguſe Archiepiſcopo,* & *Rogero de Sancto Andræa* in *Scotia,* being there preſent and aſſenting to it, and before all the Nobles and people then preſent at his Coronation; *That the Crown of* England *was meerly Arbitrary,* and elective at the peoples devotion, adding to the Lay-Peers *Conditions,* theſe his *Clergy Sophiſmes,* and ſecond ſeed-plot of Treaſons; implying, That as he got the Crown by election, ſo he might as juſtly loſe it, by ejection or demerit, (as he afterwards did, upon this very ground, as [l] *John Speed* obſerves.) 2ly. That he preſcribed him a Coronation Oath, different from, and larger in the firſt Clauſe concerning the Church, then that of King *Richard* the firſt.

In the 9th year of his reign, the [m] Biſhops of *London, Ely, Worceſter, Hereford, Bath* and *Wells,* interdicting the Realm by Pope *Innocent* the 3d. his command, (at the inſtigation of *Simon Langeton* Archbiſhop of *Canterbury*) who afterwards at their inſtigation excommunicated and deprived King *John* of his Crown, and before his abſolution by *force* and *fraud* they compelled him to take this Oath, for ſatisfying of 40000 Marks, and all other damages to themſelves, ratified with his Charter, and the Oathes, Charters of the Nobles and other Sureties therein named.

i Tom. 2. p. 337, 338. & Here, p. 18, 19, 20.

k Annal. pars poſterior, p. 793.

l Hiſt. of Great Britain, & ſucceſſion of Monarchs, p. 549, 550.

m See Tom. 2. p. 253, to 300.

EGO Johannes *Dei gratia Rex* Angliæ, *Dominus* Hiberniæ, *Dux* Normanniæ, Aquitaniæ, *& Comes* Andeg. præſtito juramento promitto, *quod tantam pecuniam in manus venerabilium patrum* S. Cantuar.. *Archiepiſcopi*, & W. London, H. Lincoln. *ac* E. Elyenſis *Epiſcoporum, vel eorum quos ad hoc duxerint deputandos, reſtituam hiis quibus facienda eſt reſtitucio, computatis illis quam perſolvi eidem Archiepiſcopo & Epiſcopis, aut aliis hoc negocium contingentibus, de ipſius conſilio vel mandato,* quod ſummam Quadraginta Millium marcarum complebo; *quibus ſolutis, et cautione præſtita inferiùs annotata, necnon relaxata* ſententia Interdicti, deinde ſingulis annis duodecim Millia marcarum in duobus terminis, *commemoratione videlicet* Omnium Sanctorum ſex Millia, et totidem feſto Aſcenſionis, *apud*

Clauſ. An. 16 Johann. m. 9.

Eccleſiam

Eccleſiam Sancti Pauli London. *eiſdem faciam exhiberi*, donec tota ſumma fuerit perſoluta quæ tarante Summo Pontifice, declarabitur per inquiſicionem de mandato ejus pꝛoinde faciendam. *Et ad hoc fideliter exequendum*, obligo me per pꝛopꝛium juramentum, ac per patentes literas ſigillo meo munitas, necnon per * ſidejuſſionem venerabilium patrum P. Winton. & J. Norwic. *Epiſcoporum, ac nobilium virorum* Ceſtrenſis & Winton. *Comitum*, & Willielmi Briwerr. *atque* Willielmi Mareſcalli *Com. de* Penbroc, *ſi fuerit præſens in* Angl. *vel Comitis de* Ferrar. *ſeu Com.* Arundell. *ſi dictus* Willielmus Mareſcall. *forſitan abſens fuerit*, eoꝛum ſuramentis et litteris robꝛoꝛatam; Ita quod tam hæredes mei quam ſucceſſoꝛes eoꝛum pari obligacione teneantur aſtricti. *Et ſi forſitan quiſquam de ſucceſſoribus eorundem vel nequiverint vel nolnerint ad hanc obligacionem induci, ego alium idoneum fidejuſſorem conſtituam, ſecundum formam inferiùs annotatam: Actum autem eſt hoc apud* Andegav. *ſeptimo-decimo die* Junii, *anno regni noſtri ſexto-decimo, Coram Magiſtro* Pand. *Domini Papæ Subdiacono & familiari* ad hoc ſpecialiter deſtinato, *in præſencia venerabilium patrum* J. Norwic. & W. Andeg. *Epiſcoporum*; R. *Com.* Ceſtr. W. *Com. de* Ferrar. *Magiſtri* Alani & Walteri *Clericorum Domini* Cantuar. *Archiepiſcopi*, Regin. de Pontibus *ſenioris*, Pagani de Rupe forti, & Thom. de Erdinton.

* See Here, Tom. 2. p. 276, 277.

This Oath and † Caution being given to them before their return into *England*, upon their arrival here ſoon after in the 15. year of his reign, they likewiſe enforced him to take theſe New Oaths they preſcribed to him, before they would abſolve him from his Excommunication, and the Kingdom from the Popes Interdict; thus related by *Matthew Paris*. [n] *Rex autem cum Epiſcoporum adventum cognoviſſet, venit obviam illis, & viſo* Archiepiſcopo et Epiſcopis, cecidit pꝛonus ad terram ad pedes eoꝛum, lachꝛymis pꝛofuſis, ut de ſe et de regno Angliæ miſericoꝛdiam haberent. *Videntes ergo Archiepiſcopus & Epiſcopi* tantam Regis humilitatem, (which had better became them than him) *cum lachrymis illum de terra levaverunt, ducentes à dextris & à ſiniſtris, ad oſtium Eccleſiæ Cathedralis, ubi cum* Pſalmo Quinquageſimo, *videntibus Magnatibus cunctis, & ubertim præ gaudio flentibus, ſicut mos eſt Eccleſiæ, illum abſolverunt in Capitulo* Wintonienſi. *In hac autem abſolutione* jurabit Rex, tactis ſacroſanctis Evangeliis, (as if he were then re-crowned, and made King *de novo*) quod ſanctam Eccleſiam, ejuſque oꝛdinatos diligeret, defenderet et manuteneret, contra omnes adverſarios ſuos pꝛo poſſe ſuo; quodque bonas leges Anteceſſoꝛum ſuoꝛum, et pꝛæcipue Leges Edwardi Regis rebocaret, et iniquas deſtrueret, et omnes homines ſuos ſecundum juſta Curiæ ſuæ judicia judicaret, quodque ſingulis redderet jura ſua. *Juravit etiam*, quod omnibus ad Interdicti negotium pertingentibus infra pꝛoximum Paſcha plenariam reſtitutionem faceret ablatoꝛum, ſin autem, in pꝛiſtinam excommunicationis ſententiam rebocaretur. *Juravit preterea* Innocentio *Papæ* ejuſque Catholicis ſucceſſoꝛibus, fidelitatem et obedientiam, ſicut * ſuperius in ſcripto redactam continetur. Theſe new Oaths being thus extorted from him, this Trayterous Archbiſhop on the 8. of *September* being aſſembled *cum Epiſcopis, Abbatibus, Prioribus, Decanis, & Baronibus in Civitate* London. *apud Sanctum* Paulum; *In hoc colloquio convocatis ſeorſim quibuſdam regni Proceribus cepit affari eos ſecretius in hunc modum*, (to raiſe up a new Rebellion againſt him;) *Audiſtis quomodo* IPSE *apud* Winton, *Regem abſolvi*, ET IPSUM JURARE COMPULERIM, *quod leges iniquas deſtrueret, & leges bonas, viz. Leges* Edwardi rebocaret, et in regno faceret ab omnibus obſerbari, ꝛc. Which Clauſe thus impoſed on, and extorted from him in his new Oath by this Archbiſhop, differing from that at his Cornation, (agreeing with that extorted for the Conqueror) was afterwards inſerted into the Coronation Oaths of King *Edward* the 3d. and *Richard* the 2d. by their Biſhops, and is ſtill continued.

† See Tom. 2. p. 276, &c.

n Tom. 2. p. 279 Mat. Paris Hiſt. Angl. p. 229, 230.

* See Tome 2. p. 290.

King *John* ſoon after at the Biſhop of *Londons* requeſt, iſſued this Writ to releaſe a Clerk impriſoned in the Fleet, from proſecuting a ſuit in Court Chriſtian for a Lay-fee, againſt his Prohibition.

Pat. 16 Johan. Regis, pars 2. m. 6. intus.

REX *Cuſtodi Carceris le* Flete, *ſalutem. Mandamus tibi, quod* Willielmum de Bureford *Clericum*, qui captus fuit et incarceratus, eo quod ſecutus eſt placitum

citum in Curia Chriſtianitatis de laico feodo Willielmi de Fulebret & Sibillæ *uxoris ſuæ* contra Prohibitionem Juſticiariorum, *liberari fac. Venerabili patri* W. London. *Epiſcopo; quia ille manucepit, quod ille recto habebit, ubi illum habere debebit. Et in hujus, &c. T. meipſo apud* Novum Templum London. 20 *die* Novembr. Clergymen being then impriſoned for ſuch contempts, notwithſtanding their pretended Liberties, and this Kings new Oath.

[o] King *John* departing this life An. 1217. (qui ſe multis eroſum præbuit, tum propter tributum, quo ſub perpetua ſerbitute regnum Angliæ & Hyberniæ compedibit, tum propter guerram quam ſua merita provocarunt, &c. bir alicujus meruit lamentatione deplorari; as *Mat. Weſtminſter* writes.) *Lewes* the *French* Uſurper and the Barons adhering to him being then poſſeſſed of *London* and *Weſtminſter*, *Henry* the 3d. his ſonne was thereupon Crowned at *Gloceſter* (when he was but 9. years of age,) thus related by *Matthew Paris*. *Defuncto* Johanne Angloꝛum *Rege, convenerunt apud* Gloverniam *in vigilia Apoſtolorum* Simonis & Judæ, *in præſentia* Walonis Apoſtolicæ ſedes Legati, Petrus Wintonienſis, Jocelinus Bathonienſis, & Sylveſter Wygornienſis *Epiſcopi*; Ranulphus *Comes* Ceſtrenſis, Willielmus Mareſchallus *Comes* Pembroc. Willielmus *Comes de* Ferrariis, Johannes Mareſcallus, Philippus de Albeneio, *cum Abbatibus, Prioribus, & turba multâ nimis, ut* Henricum Johannis *Regis filium primogenitum in Regem* Angliæ *exaltarent. In craſtino autem, paratis omnibus ad* coꝛonationem neceſſariis, *Legatus ſupradictus aſſociatis ſibi Epiſcopis & Comitibus memoratis, duxerunt eum ad Eccleſiam Conventualem cum proceſſione ſolemni,* Regem acclamando. *Ubi ante majus altare conſtitutus,* jurabit coꝛam Clero et populo, *appoſitis ſibi ſacroſanctis Evangeliis & plurimorum Sanctorum reliquiis*, dictante juramentum Jocelino Bathonienſi, Quod honoꝛem, pacem, et reverentiam poꝛtabit Deo et Sanctæ Eccleſiæ, et coꝛdinatis, omnibus diebus vitæ ſuæ. Jurabit etiam, *quod in populo ſibi commiſſo, rectam juſtitiam tenebit: quodque Leges malas, & iniquas conſuetudines, ſi quæ ſunt in regno, delebit, & bonas obſervabit, & ab omnibus facict obſervari.* Deinde, fecit homagium Sanctæ Romanæ Eccleſiæ et Innocentio Papæ de regno Angliæ & Hyberniæ; et jurabit, quod mille marcas, quas Pater ejus Romanæ contulerat Eccleſiæ, fideliter perſolveret, quamdiu prædicta regna teneret. *Et his ita geſtis,* Petrus Wintonienſis & Johannis Bathonienſis *Epiſcopi*, ipſum in Regem ungentes, coꝛonaverunt ſolenniter cum canticis et modulationibus, quæ in coꝛonationibus Regum ſolent decantari. [p] *Henry de Knyghton* writes, *Coronatus eſt & in Regem conſecratus, aſtante* Cantuarienſi *Archiepiſcopo* Stephano, *per manum* Walli, Apoſtolicæ ſedis Legati. But *Matthew Paris* living and writing in that age, and *Thomas Walſingham* are to be credited before him, who writ but in the latter end of King *Richard* the 2d. his reign. *Tandem expletis Miſſarum ſolenniis, duxerunt Regem cum proceſſione ſolemni, Epiſcopi & Comites ſæredicti, regalibus indutum, ad menſam; ubi omnes in ordine ſuo conſedentes, epulabantur in lætitia & exultatione.* In Craſtino autem Rex cepit homagia et fidelitates ab omnibus Epiſcopis, Comitibus, et Baronibus, altiſque omnibus qui aderant, et omnes ei fideliſſimum obſequium pꝛomiſerunt.

[o] Mat. Paris Hiſt. Angl p. 278. Mat. Weſt 103, 104. Tho. Walſingham Ypodigma Neuſtiæ, p. 56.

[p] De Eventib. Angl. l. 2. c. 15. col. 2427.

Wherein we may obſerve; 1. That King *Henry* by and with the adviſe of the Popes Legate, as well as of his Nobles, was anoynted and crowned King, not by the Archbiſhop of *Canterbury*, but by the Biſhops of *Wincheſter* and *Bath*; and that not as an elective King, as his Father King *John*; and as *Lewes* the *French* Kings ſon, elected, crowned King by the rebellious Barons, but ſoon after rejected, and ſent packing into *France*, never to return again into *England*. 2ly. A Coronation Oath adminiſtred to him though but an infant of 9. years, the ſame in ſubſtance with that which his Father King *John* took at his Coronation. 3ly. A new Additional Clauſe added to it by the Popes Legate, never taken by any King before or ſince, *faithfully to pay the* 1000. *marks which his father had conferred on the Church of* Rome, *ſo long as he ſhould hold the Kingdomes of* England *and* Ireland, for which he made his homage to the Church of *Rome* and Pope *Innocent* before his actual Unction and Coronation, as King. 4ly. That the next day after he received all the Homages and Fealties of the Biſhops, Earls, Barons, and others, as his father did at his Coronation, who very ill obſerved them.

q Mat. Paris, p. 298. Henr. de Knyghton de Event. Angl. l. 2. c. 15. col. 2427. Matth. Westm. p 109. See Fabian, Grafton, Holinshed, Speed, Daniel.

q Anno 1220. *Coronatus est idem Rex apud* Westmonasterium, *in die Sanctæ* Pentecostes *à* Stephano Cantuariensi *Archiepiscopo*, *præsente Clero & populo totius regni*; or *præsentibus* Pandulpho *Legato*, *Episcopis*, *& aliis Prælatis*, *Comitibus*, *Baronibus & Majoribus* Angliæ; as *Matthew Westminster* stories; 16 *Kalendas* Junii, *Anno regni suo quinto*; without any new Oath or Unction mentioned by our Historians (whether antient or modern) who relate it.

r See Here Tom. 2. p. 891, 896.

r In the last of those 50 Articles *pro quibus* Episcopi Angliæ fuerant pugnaturi, drawn up by them in the 41 year of King *Henry* the 3d. they thus complained. Cum Dominus Rex juraverit in Coronatione sua conservare jura et libertates Ecclesiis datas, et eas confirmaverit in principio Magnæ Chartæ; *incessanter tamen à Ministris suis impugnantur*, *turbantur*, *& mutilantur*, *non solum generales*, *sed etiam speciales*, *datas scilicet per prædecessores suos*, *& ab ipsis confirmatas*, *& etiam de novo datas*, *&c.* But I finde no such expresse Clause as this mentioned by our Historians in the Coronation Oath prescribed to him, as they here alledged, but only in * *subsequent Oaths*; by which they endeavoured to justifie all their encroachments upon the Kings Prerogative and Subjects Liberties, comprised in their 50. Articles, and their Antimonarchical Constitutions made in the Council of *Lambeth* under Archbishop *Boniface* held that year, against the Kings expresse *Prohibitions*.

* *Multoties juravit tueri Ecclesiæ libertatem & statum.* Mat. Paris Auctuarium, p. 152.

f Flores Hist. p. 363.

t Historiæ Angl. p. 5.

u Polychron. l. 7. c 38. Hen. de Knyghton de Event. Angl. l. 3. c. 1. col. 2461. Speed, p. 643. Daniel p. 186. Caxton. part 7. Fabians Chronicle, part 7. f 123. Holinshed, and Grafton.

* Pat. 2 E. 1. pars unica, m. 9. Memorandum de Coronatione Regis.

King *Henry* after a very troublesom, yet the longest reign of any King before or since, departing this world Anno 1272. when his Sonne Prince *Edward* was warring in the Holy Land against the *Saracens*; he was presently proclaimed King, but not crowned till after his arrival in *England* in the year 1274. the manner whereof is thus related by [f] *Matthew Westminster*, [t] *Walsingham*, and [u] *others* out of them, *Dominica inter Octavas Assumptionis B. Virginis*, *in Ecclesia* Westm. Eadwardus in Regem inungitur, et Aelianora, soror Regis Hispaniæ, in Reginam, a Roberto Archiepiscopo Cantuar. xiiii. *Kal.* Septembr. pariter coronantur. *Huic Coronationi interrerant* Alex. *Rex* Scotiæ, *&* J. *Comes* Britanniæ, *cum suis uxoribus*, *sororibus quidem Regis* Eadwardi. *Et in crastino Coronationis suæ recepto publicè homagio & fidelitate* Alexandri *Regis* Scotiæ, &c. Not one Historian or Record mention any particular Oath or demand then exacted from, made or taken by him to or before this Archbishop at his Coronation. In the Patent Rolls in the second year of his reign there is only this *Memorandum* entred of his Coronation. * *Memorandum*, *quod* Edwardus *Rex* Angl. *applicuit apud* Dovorr. *die Jovis proxima post festum Sancti* Petri *ad* vincula *Anno Domini* M.CC.LXXIV. *Et die Dominica prox. sequente* sollempniter coronatus fuit in Ecclesia beati Petri Westm. *Anno Domini supradicto*, *& anno regni ejusdem Regis secundo*; Without recording any Oath then taken or Promise made by him, to maintain the Bishops, Clergies, Churches pretended exorbitant Rights, Liberties, and Usurpations on his Crown or Dignity; Yet certain it is he took an Oath to maintain and preserve the rights of his Crown and the Lawes, as these Clauses and the like (frequent in sundry of his Prohibitions to Popes Delegates, Bishops, and others) evidence, *Tepescere non possumus*, *quin exhæredationem nostram quæ statum Coronæ nostræ contigit*, *sicut* EX SACRAMENTI VINCULO ASTRINGIMUR *pro viribus evitemus.* [x] Ne Coronæ et dignitatis nostræ jura depereant studiosam nos debet operam adhibere, et ad ea manutenenda et conservanda eo potius debemus esse solliciti, quo ad hoc VINCULO JURAMENTI TENERI DINOSCIMUR & ASTRINGI; he opposing the Popes and Prelates Incroachments of usurped Jurisdiction to the prejudice of his Crown, more then all his premised predecessors, as obliged thereunto by his Coronation Oath.

x Clause 18 E. 1. dors. 10.; Cl. 32 E. 1. m. 36. dorso. Here, p. 417, 418, 1028. & 1188.

His Sonne [y] *Edward* the 2d. succeeding him, and reigning as a King by descent one whole year or more before he was Crowned, Anno 1309, *sexto Kal.* Martii, *die videlicet Sancti* Matthæi *Apostoli* Rex et Regina cum solennitate maxima apud Westm. ab Episcopo Winton. and others, (Commissione Roberti Archiepiscopi Cantuariæ ejulantis, as some; or as *William Thorne* stories, adhuc in Romana Curia agente, et eisdem vices suas committentis) magnifice coronatur. *Cicestrensis* and *Henry de Knyghton* adde, these Bishops crowned him auctoritate Papæ Clementis, eo quod Robertus Cantuariensis tunc apud Romam ejulabat, for his Treasons against King *Edward* the 1. Of which this Pope made this advantage, to interpose his usurped Authority in this Coronation: (as his predecessor did in the case

y Tho. Walsingham Hist. Angl. An. 1309 p 69, 70. Ypodigm. Neustriæ p. 99. Chronica W. Thorn. col. 2007. Cicestrensis, l. 7. c. 32: Henr. de Knyghton de Event. Angl. l. 3. c. 13. col. 2532.

caſe of young King *Henry* during *Beckets* exile) which yet met with ſome rubbs from the Nobles; who requeſted him to remove *Peter Gaveſton* from his Court; *ſed Rex noluit conſentire*: idcirco prepoſuerunt Comites Coronationem Regiam impedire. *Quod Rex intelligens*, promiſit bona fide, ſe facturum illis in Parliamento proximo quicquid peterent, tantum ne coronatio differatur; yet he indiſcreetly, Coronam *Sancti* Edwardi (wherewith he was Crowned) tradidit Petro ad portandum manibus inquinatis; *ex quo non immeritò* indignati ſunt populus atque Clerus. *Fuit autem ibi tanta congreſſio populi*, ut nec Regi Coronato, nec Epiſcopis ipſum Coronaturis pepercit violentia populi, et ideo cum feſtinatione nimia et quaſi ſine reverentia fuit iſta ſolemnizatio conſummata; as *Walſingham* ſtories. What Oath they then adminiſtred to the King in this crowd and confuſion, is not particularly related by any Hiſtorian or Record I have ſeen: Only I finde in the [z] *Regiſter of Writs* and ſundry Records, that this King inſerted this Clauſe into his *Prohibitions* and *Writs*, *ad Jura Regia*; *Eo ſtudioſius nos decet operam adhibere, & ſolicitius extendere manum noſtram*, quod ad hoc VINCULO JURAMENTI *teneri dinoſcimur & aſtringi*. And that in the 14th year of his reign he refuſed to ſecure or remove from him the two *Spenſers* till the next Parliament, upon ſome of the Barons demands, or to give them a ſafe conduct to repair to his Parliament beſides his Writ of Summons, upon this ground among others; [a] *Poſtremò cum juramento addidit*, quod noluit Sacramentum violare ad quod adſtrictus fuerat IN CORONATIONE SUA, concedendo literas pacis et indulgentiæ tam notorie delinquentibus in ſuæ perſonæ contemptum, et totius regni perturbationem, et Majeſtatis Regiæ læſionem; as thoſe Lords were guilty of, who refuſed to come to his Parliament upon *ſummons*, raiſed forces againſt him and the *Spenſers*, and yet preſumed to demand his Letters of pardon for themſelves and their Companions; which Clauſes referr only to the ſecond Clauſe in the Oath of King *Edward* the 2d. and 3d, concerning the peace of the Realm.

Anno gratiæ 1327. Upon the forcible trayterous impriſoning, depoſing of King [b] *Edward* the 2d. by his Queen, and Earl *Mortimer*, and electing his ſon *Edward* the 3d. King in his ſtead, whiles living, *cui Electioni* conſenſit Archiepiſcopus Cantuariæ et omnes Prælati; & *Archiepiſcopus aſſumpto themate*, Vox populi, vox Dei *ſermonem fecit populo, exhortans omnes, ut apud Regem Regum intercederent pro electo*; Coronatus eſt apud Weſtmonaſterium per Cantuarienſem Archiepiſcopum Walterum in Regem (qui Regem patrem plane deſeruit) *die Dominica in vigilia* Purificationis, as *Ciceſtrenſis* and *Matthew Weſtminſter*; or *in* Converſione *Sancti* Pauli, *viz.* 8 *Kalendarum* Februarii, as others write. None of our Hiſtorians make any particular mention what Oath he took; I ſhall therefore preſent you with this Memorandum both of the day of his Coronation, and the Interrogations and Oath then tendred to him out of the *Clauſe Rolls* in the *Tower*.

z Regiſtrum Omnium Brevium, &c. part 2. f. 61, 67.

a Walſingham Hiſt. Angl. p. 92. & Clauſe 14 E. 2. m. 17. Schedula, & Clauſ. 15 E. 2. dorſ. 32.

b Tho. Walſingham, Hiſt. Angl. p. 107, 108. Ypodigma 110. Henry de Knyhton de Event. Angl. 3. c. 16. col. 2550. Ciceſtren. ſis, l. 7. c. 44. Matth. Parker Antiqu. Eccleſ. Brit. p. 219. Caxton, Fabian, Polydor Virgil, Grafton, Holinſhed, Speed, Daniel, in Ed. 2. & 3. Chron. Will. Thorn, col. 2039.

MEmorandum, *quod die Dominica poſt feſtum* Converſionis *Sancti* Pauli *Anno Domini Milleſimo CCC viceſimo ſexto, litera Dominicali currente per* V. coronatus fuit in Regem, et inunctus Dominus Edwardus *filius Regis* Edwardi *poſt Conqueſtum* tercius, *anno regni ſui primo, in Eccleſia B.* Petri Weſtm. *ante magnum altare*, per manus venerabilis patris W. Cantuar. Archiepiſcopi, totius Angl. Primatis, *præſentibus tunc ibidem venerabilibus patribus* J. Elien. *Cancellar.* A. Hereford. *Theſ.* J. Winton. J. Ciceſtren. T. Wygornien. L. Dunolmen. H. Lincoln. J. Landaven. & W. Norwycen. *Epiſcopis*, Thoma Norff. & Mareſcallo Angl. Edmundo Kanc. Henr. Lanc. Johanne Surr. & Suſſex, Johanne de Boun Hereford & Eſſex *Comitibus*, Johanne de Hanaud, Rogero de Mortuo Mari, Hen. de Bello Monte, ac aliis Magnatibus totius Regni. Et fuerunt verba Regis in coronacione prædicta ſub Juramento præſtito, *ut patet inferiùs.*

Cl. 1 E 3. pars 1. m. 24. dorſo.

Sire, volez vous graunter, et garder, et per veſtre Serement confirmer au poeple Dengleterre, les Leys et les Cuſtumes a eux grantes per les aunciens Rois Dengleterre voz predeceſſeurs, droitus et devotz a Dieu, et nomément les Leys, les Cuſtumes, et les Fraunchiſes grantez au Clerge et au poeple par le glorious Roy Seint Edward veſtre predeceſſour?

Reſpons. Jeo les grante et promette.

Sire, garderez bous a Dieu et a Seinte Eglife et au Clerge, et au poeple, pæs et acozd en Dieu entierement, ſolonc beſtre poair ?

Reſponſ. Jeo les garderai.

Sire, frœz bouz faire en toutz boz jugementz obele et dzoite juſtice et diſcreci-on, en miſericozde et berite a beſtre poair ?

Reſponſ. Jeo les fray.

Sire, grantez bous a tenir et garder les Leys et les Cuſtumes dzoitureles, les quelz la Communate de beſtre Roiaume aurai eſtu, et les defendzez et affozcerez al honeur de dieu, a beſtre poair ?

Reſponſ. Jeo les graunte et pzomette.

Without any other Interrogation, Admonition or Clauſe, concerning maintaining and defending the holy Church and her Liberties. The firſt Clauſe in this Oath, was taken *verbatim* out of the premiſed Oath enforced upon King *John* by *Stephen Langeton* Archbiſhop of *Canterbury* before his abſolution from his Excommunication, not extant in his Coronation Oath.

I find in moſt of the Writs of *Ad Jura Regia*, (of which there were multitudes in this King *Edwards* reign) this Clauſe relating to this his Coronation Oath, quod ad hoc, or pzout JURAMENTI VINCULO tenemur et aſtringimur. And in the printed Statutes of 15 E. 3. Parl. 1. and the Kings Proclamation for reverſing it, 18 E. 3. Stat. 3. c. 1, 2. & 25 E. 3. Stat. 6. againſt *Proviſions*, there are theſe Clauſes inſerted concerning this Oath: By the bond of OUR OATH, we be bound to the obſerbance and defence of the Lawes and Cuſtoms of the Realm; The King as he is bounden by HIS OATH to doe the ſame to be kept as the Law of this Realm. *The King having regard to the quietneſſe of his people, which he chiefly deſireth to maintain in quietneſſe and peace, and to govern according to the Lawes, Uſages, and Franchiſes of this Land,* AS HE IS BOUND BY HIS OATH MADE AT HIS CORONATION.

After King *Edward* the 3d. departed this life, his Grandchild *Richard* the 2d. was crowned King. The [b] *Petitions, Claims* of *Nobles and others to do ſpecial ſervices* at his Coronation, by their *tenures*; with the Judgements given on them; and the ſolemnities, Ceremonies uſed at his Coronation, are ſpecially recorded at large in the *Clauſe Roll* of An. 1 R. 2. m. 43, 44, 45. with this Title to them. *Proceſſus factus in Coronatione Domini Regis* Angliæ Richardi *ſecundi*, *Anno regni ſui primo.* At the cloze whereof there is this Memorial entred. *Memorandum, quod prædictus Rex* Caſtellæ & Legionis, *Dux* Lancaſtriæ & *Seneſchallus* Angliæ; *iſtum proceſſum per manus ſuas propriàs in Cancellaria Domini Regis liberavit, ibidem in Rotulis Cancellariæ irrotulandum.* In which unqueſtionable Record, the Oath which the Archbiſhop of *Canterbury* (*Simon Sudbury*) then preſcribed to and received from him, is thus recorded.

[b] Moſt of them printed in John Speeds Hiſtory of Great Britain, p. 728, 729, 730.

[c] *Dominus Rex, &c. ſubſequenterque capto per præfatum Archiepiſcopum* Cant. Sacramento Dom. Regis cozpozali, de concedendo et ſerbando cum ſacra confirmatione Leges et Conſuetudines ab antiquis juſtis et Deo debotis Regibus Angliæ, pzogenitozibus ipſius Regis plebi regni Angliæ conceſſis, et pzæſertim leges, conſuetudines et libertates a glozioſiſſimo et ſanctiſſimo Rege Edwardo Clero populoque regni pzædicti conceſſis: et ſerbando Deo et Eccleſiæ Sanctæ Dnomini; Cleroque et populo pacem et concozdiam integre in Deo, juxta bires ſuas: et de faciendo fieri in omnibus judicijs ſuis æquam et rectam Juſticiam et diſcretionem in miſericozdia et beritate; et etiam de tenendo et cuſtodiendo *juſtas leges et conſuetudines Eccleſiæ; ac de faciendo per ipſum, Dominum Regem eas eſſe pzotegendas, et ad honozem Dei cozroborand. quas bulgus juſte et rationabiliter elegerit juxta bires ejuſdem Domini Regis: *Præfatus Archiepiſcopus ad quatuor partes pulpiti prædicti aſcendens, expoſuit & enarravit anniverſo populo, qualiter dictus Dominus Rex* hujuſmodi pzæſtitit Sacramentum: *inquirens ab eodem populo,* Si ipſi conſentire vellent de habend. ipſum Regem Dom. ſuum ligeum, & ad obediendum ei tanquam Regi & Domino ligeoz? *Qui utique unanimiter conſenſerunt.* Then follow ſome other ſolemnities, and the Homages made to the King by ſundry Noble men, while the Biſhops were chanting their Maſſe. After that the manner of the Kings return from the Church to his Palace; in what Order the Biſhops, Nobles, and

[c] Clauſ. 1 R. 2 m. 44.

*Note this new Additional Clauſe.

others

others ſat at his Feaſt; and his ſolemn Proceſſion to *Pauls* Church with his Prelates, Nobles, Trayn the next day; with the ſumme of their Prayers for his happy Reign and Government.

In the Parliament Roll of 1 *H.* 4 nu. 16 & 17. after the recording of King *Richard* the 2. his Renunciation of his Right to the Crown, and the Articles then publiquely drawn up and read againſt him in that Parliament, they thus record the particular branches of the Coronation Oath which the Kings of *England* uſed to make to the Archbiſhop, and King *Richard* took at his Coronation.

Sequitur forma Juramenti ſoliti in conſueti præſtari per Reges Angliæ *in eorum coronatione*, quod Archiepiſcopus Cantuar. ab eiſdem Regibus, exigere et recipere conſuebit; prout in libris Pontificalium Archiepiſcoporum et Epiſcoporum plenius continetur: *Quod quidem Juramentum* Richardus *Rex* Angliæ *poſt Conqueſtum ſecundus, in Coronatione ſua* præſtitit, *& ab Archiepiſcopo* Cantuar. *erat receptum*, et illud idem Juramentum dictus Rex poſtmodum iterabit, *prout in Rotulis plenius reperiri poterit de Recordo.*

Servabis Eccleſiæ Dei, Cleroque et populo pacem et integro, et concordiam in Deo, ſecundum vires tuas. *Reſpondebit*, Servabo. Facies fieri in omnibus Juditiis tuis æquam et rectam Juſtitiam et diſcretionem in miſericordia et veritate, ſecundum vires tuas, *Reſpondebit*, Faciam. Concedes juſtas leges et conſuetudines eſſe tenendas, et promittis pro te eas eſſe protegendas, et ad honorem Dei corroborandas, quas vulgus elegerit ſecundum vires tuas. *Reſpondit*, Concedo et promitto. Adjicianturque prædictis interrogationibus quæ juſta fuerint. Pronunciatiſque omnibus, confirmet Rex ſe omnia ſervaturum Sacramento ſuper Altare præſtito coram cunctis.

[a] *Thomas Walſingham*, who at large relates the Form and Solemnities of this King *Richards* Coronation, hath added this New Clauſe to the beginning of his Oath then taken, not extant in the premiſed Records; nor in *Juramentum Regis quando coronatur*, printed in *Totles Magna Charta*, *London* 1556. part 1. f. 164. After the Biſhops Sermon, (writes he) Jurabit Rex coram Archiepiſcopo, et Proceribus *qui ibi aderant, quoniam ipſi* ſoli Juramentum audire poterunt.

a Hiſt. Angliæ, p. 193, 194, 195. See My Signal Loyalty &c. Part 2. p. 294.

Primò, quod Eccleſiam ſuis permitteret gaudere libertatibus, et eam et Miniſtros ejus honoraret, et fidem rectam teneret; *& rapacitatem, & omnes iniquitates in omnibus gradibus interdiceret.*

Secundò, ut leges terræ bonas ubique ſervari faceret, *& præcipuè Leges Sancti* Edwardi *Regis & Confeſſoris, qui in eadem requieſcit Eccleſia, & malas leges faceret abrogari.*

Tercio, ut non eſſet perſonarum acceptor, ſed judicium rectum inter virum & virum faceret, & præcipuè miſericordiam obſervaret, ſicut ſibi ſuam indulgeat miſericordiam clemens & miſericors Deus.

Quibus expletis Archiepiſcopus, precedente eum Mareſcallo Angliæ, *Domino* Henrico Percy, *convertit ſe ad omnes plagas Eccleſiæ*, indicans populo Regium juramentum, *& quærens, &c.* as in the *Clauſe Roll* of 1 R. 2. forecited.

From which Records and Hiſtorian I ſhall obſerve: 1. That this and other our Kings Coronation Oaths were compiled by our Archbiſhops and Biſhops, and entred by them in their Pontificals. 2ly. That they aſſumed this tranſcended Juriſdiction to themſelves, to preſcribe what new Articles, Interrogations they thought meet to our Kings at their Coronations, which they muſt ſolemnly promiſe and ſwear to obſerve, before they would crown them; for which end they inſerted this Clauſe into their Pontificals, immediately after the Kings Oath; [b] Adjicianturque prædictis Interrogationibus quæ juſta fuerint. Pronunciatis omnibus, Rex confirmet ſe omnia ſervaturum, Sacramento ſuper Altare protinus præſtita coram cunctis, &c. 3ly. That they cunningly inſerted into this young Kings Coronation Oath this new Clauſe, not extant in any former Oath, Et etiam de tenendo et cuſtodiendo juſtas Leges et Conſuetudines Eccleſiæ, &c. to advance their own Eccleſiaſtical Laws, Canons, and Cuſtomes, made for their own grandeur and advantage in their Convocations, without the conſent of King, Lords and Commons in Parliament; and that (as I conceive) in oppoſition to the Petition of the Houſe of Commons in the Parl. of 51 E. 3. ſome few moneths before; [c] That the Commoners ſhall not be bound by any of the Conſtitutions made

b Rot. Parl. An 1 H. 4. nu. 16. Totles Magna Carta p. 164 See my Signal Loyalty &c. p. 270. Cl. 1 R. 2. m. 44.

c Rot. Parl. An 51 E. 3. nu. 48.

made by the Clergy for their advantage, without the Commons aſſent thereto in Parliament; car eux ne veullent eſtre obligez a nul de voz Eſtatutes ne Ordinances faitz ſanz lour aſſent : with King *Edward* the 3d. and other our Kings Writs, Appeals, Proteſtations againſt them, mentioned in my Epiſtle Dedicatory. 4ly. If [d] *Tho. Walſingham* may be credited againſt our *Records*, they likewiſe added another new Clauſe to King *Richards* Oath, placed in the very front thereof; which they backed with theſe other paſſages inſerted into their Pontificals for their own advancement, honor, protection by our Kings above all other Subjects, as receiving their Crowns, Swords, Scepters from them alone, for their ſpecial defence. For after the Kings anoynting by them on the *Crown of his head, breaſt, ſhoulders, ſhoulder-blades, hands and boughes of both his arms*, they uſed theſe ſpeeches to him at the delivery of his Sword and Scepter. *Poſt hæc Archiepiſcopus cum Epiſcopis tradidit ei* gladium, *ita dicens* ; Accipe gladium per manus Epiſcoporum, licet indignos, bice tamen et autoritate ſanctorum Apoſtolorum conſecratas, tibi regaliter impoſitum, noſtræque benedictionis officio ad defenſionem ſanctæ Eccleſiæ divinitus ordinatum, et eſto memor de Pſalmiſta, *qui prophetavit, dicens* : Accingere gladio tuo ſuper femur tuum potentiſſime, *ut per eundem vim æquitatis exerceas, molem inquitatis potenter deſtruas*, et ſanctam Dei Eccleſiam, ejuſque fideles propugnando protegas, nec minus ſub fide falſos in Chriſtiani nominis hoſtes execretis ac deſtruas, &c. *Statim poſt hæc, &c. Archiepiſcopus dans ei Sceptrum, &c.* dicens, *Accipe Sceptrum Regiæ poteſtatis inſigne, virgam ſcilicet regni rectam, virgam veritatis*, qua te ipſum bene regas, ſanctam Eccleſiam, populum *viz.* Chriſtianum tibi a Deo commiſſum, (not the Biſhops and Clergy only, who would appropriate the Title of the *Church* to themſelves) Regia virtute ab improbis defendas, pravos corrigas, rectos Pontifices, et ut viam rectam tenere poſſint tuo juvamine, dirigas, &c. Oſculatus eſt Rex Epiſcopos omnes et Abbates (but none of his Nobles) *à quibus ſtatim ductus eſt poſtea ad Regale ſolium, Epiſcopis inchoantibus hymnum*, Te Deum laudamus. *Finito hymno, Archiepiſcopus ita eum allocutus eſt : Sta, & retine amodò locum quem hucuſque paterna ſucceſſione tenuiſti hæreditariè*, indico tibi delegatum per autoritatem Dei omnipotentis, et præſentem traditionem noſtram, ſcilicet omnium Epiſcoporum, cæterorumque Dei ſervorum ; et quanto Clerum ſacris Altaribus propinquiorem, tanto ei potiorem in locis congruis honorem impendere memineris, *quatenus mediator Dei & hominum, te mediatorem plebis in hoc regni ſolio confirmet, & in regnum æternum regnare faciat* Jeſus Chriſtus *Dominus noſter*. Which words and form they have ſince continued.

[d] *Hiſtor. Angl. p. 194, 195.*

The ſame Solemnities, Ceremonials, Prayers, Speeches uſed at this King *Richards* Coronation, and the Interrogations, Oath preſcribed to K. *Edward* the 3d. (without the new additions to King *Richards*) for ought appears to me continued without any alteration till K. *Edw.* the 6. together with this Petition, or Monitio Epiſcoporum ad Regem, et legitur ab uno, (not mentioned by *Walſingham*, but in the *Roman*, & other of our own *Pontificals*, tending only to eſtabliſh Biſhops Canonical Priviledges, Lawes and Conſtitutions ;) *Domine Rex, à vobis perdonari petimus*, ut unicuique de Nobis et Eccleſiis Nobis commiſſis, Privilegium et Debitam Legem atque Juſtitiam et defenſionem exhibeatis, ſicut Rex in ſuo regno debet unicuique Epiſcopo et Abbati et Eccleſiis ſibi commiſſis. Whereunto Reſpondit ſic Rex, (by their preſcription, before he muſt be Crowned) *Animo libenti & devoto promitto vobis*, et perdono vobis et unicuique veſtrum, et Eccleſiis vobis commiſſis Canonicum Privilegium, (defined by the Popes and their own Canons) *& debitam legem & juſtitiam ſervabo, & defenſionem quantam potero, adjuvante Deo exhibebo* ; ſicut Rex in regno unicuique Epiſcopo, Abbati, et Eccleſiis ſibi commiſſis, per rectum exhibere debet. But by reaſon of King *Edward* the 6. his tender years, and the changes then made in the Religion publikely profeſſed, ſome Alterations were made both in the Ceremonies, Prayers, and Oath it ſelf at his Coronation, by the Lord Protector and ten of the Privy Counſils adviſe, whereof *Thomas Cranmer* Archbiſhop of *Canterbury*, and *Cuthbert Tonſtall* Biſhop of *Durham* were two; who preſcribed him this new Oath, different in ſome particulars from all preceding it.

The Archbiſhop ſtanding before the King, ſhall ask him with a loud voyce in manner and form following;

Will ye grant to keep to the people of England *and other your Realms and Dominions, the*

the Laws and Liberties of your Realm, and other your Realms and Dominions. ✠ I grant and promiſe. * The Kings Anſwers.

You ſhall keep to your ſtrength and power, to the Church of God, and to all the people, holy peace and concord. I ſhall keep.

You ſhall make to be done after your ſtrength and power, equal and rightfull juſtice in all your Dooms and Judgements, with mercy and truth. I ſhall do.

Do ye grant to make no new Lawes, but ſuch as be to the glory and honour of God, and to the good of the Commonwealth; and that the ſame ſhall be made by the conſent of your people, as hath been accuſtomed? I grant and promiſe.

Then ſhall the King riſe out of his Chair, and by them that before aſſiſted him, be led to the High Altar, where he ſhall make a ſolemn Oath upon the Sacrament, laid upon the High Altar, in the ſight of all the people, to obſerve the premiſes; *and laying his hand again upon the Book, ſhall ſay;*

The things which I have before promiſed, I ſhall obſerve and keep: So God help me and theſe holy Evangeliſts, by me bodily touched upon this holy Altar.

At the Coronations of King *James* and King *Charles* the 1. and 2. the Interrogations to, and Oath taken by King *Edward* the 3d. were uſed and taken by them, with moſt of the premiſed Ceremonies, Prayers, paſſages uſed at King *Richard* the the 2d. his Coronation, ſome whereof were omitted at King *Edward* the ſixths, Which having [a] *elſewhere* publiſhed at large, I ſhall here omit.

a In the Second Part of My Signal Loyalty. &c. p. 241, to 325.

By theſe Hiſtorial Collections of the Coronations of forreign Emperors, Kings, and our own *Britiſh, Saxon, Daniſh, Norman, Engliſh* Kings, by Popes, Patriarchs, Archbiſhops and Biſhops, with the ſeveral Oathes, promiſes they exacted from them, and altered, enlarged by degrees when crowned, eſpecially when they ſet the Crown upon Uſurpers heads, and diſinherited the right lawful heirs, you may moſt clearly diſcover, what ſucceſſive encroachments they made upon their Royal Soveraignties. What ſtrange Concluſions many *Popes, Popiſh Biſhops, Canoniſts* and others have thence deduced, I ſhall here briefly inform you.

1. That all Chriſtian Emperors, Kings, Princes, receive their Crowns, Swords, Scepters, Royalties, and Royal dignities only from Popes, Patriarchs, Archbiſhops, Biſhops, as Pope *Boniface* the 8. with ſundry other Popes, Popiſh Canoniſts, Jeſuites, and our Archbiſhops *Aldred* of *Yorke*, *Ralph* and *Hubert* of *Canterbury* have aſſerted; who are ſolidly refuted by [b] *John Servin*, Advocate to King *Henry* the 4th. of *France* in his *Vindicia*, and others forecited.

b In Melchior Goldaſtus Monarch æ Rom. Imperii, Tom. 3. Francofurti 1613. p. 269, to 2134.

2ly. That the Pope and every Biſhop is Superior to Emperors and Kings, becauſe without contradiction the *leſſe is bleſſed, conſecrated by the greater*, Hebr. 7. 7. as Emperors, Kings, are by Popes and Biſhops, not they by them; Yea, Epiſcopus ſuperminet Regibus, et quibuſcumque aliis terrenis Principibus dignitate eſt præferendus, quantum plumbum vincitur ab auro: Et Sacerdotium tanto majus eſt Imperio et omni ſeculari Principatu, quanto cœlum terra præcioſſus, et anima eſt corpori præferenda; as our [c] *Thomas Waldenſis*, Cardinal [d] *Bellarmin*, and others determine.

c Doctrinale Fidei, Tom. 1. l. 2. Artic. 3. c. 74, 75.

d De Pontifice Romano, l. 1. c. 7. De Laicis, c 8 & 10. See my Epiſtle Dedicatory to Tome 1.

3ly. That as they conſecrate, bleſſe, crown them Emperors and Kings: ſo by the like reaſon they may execrate, excommunicate, uncrown them, if they violate the Oaths and Conditions preſcribed to them at their Coronations: which was our Archbiſhop *Aldreds*, *Ralph* and *Huberts* doctrine, as well as Popes. Hence Pope *Gregory* the 9th, upon Sir* *Robert de Twenge* and others threſhing out the corn and plundering the goods of *Italian Clergymen* beneficed in *England* by Papal proviſions, was ſo highly offended with King *Henry* the 3d, that in an overſharp Letter to him, he vehemently reprehended him for ſuffering ſuch rapines in his Realm to be done to Eccleſiaſtical perſons, non habens reſpectum ad juramenta quæ juraverat tempore Coronationis ſuæ, non ſolum de pace Eccleſiæ manutenenda, verum etiam de recta juſtitia tam Clericis quam Laicis ſervanda. *Mandavit igitur Regi in eiſdem literis* ſub pœna Excommunicationis et Interdicti firmiter præcipiens, *quatinus diligenti facta inquiſitione, ſi quos hujus violentiæ invenire authores tam graviter puniret obnoxios, ut ex pœna illorum cæteris metum incuteret & terrorem.*

* Mat. Paris Hiſt. Angl. p. 362. Here, Tom. 2. p. 496.

4ly. That Emperors, Kings are but the Popes, Biſhops Vaſſals, and their Coronation Oathes meer Oathes of Fealty to them, as their ſuperiour Lords.

5ly. That

5ly. That by these their Oathes, and the Liberties, Priviledges of the Church, the persons of Popes, Bishops, and all inferiour Clergymen, are totally * exempted from the secular Jurisdiction, Judicature of Emperors, Kings, their Judges, and Courts; so that they neither can nor ought at all to imprison, condemn, execute, banish, deprive them for any capital Crimes or Offences whatsoever, but must referr them wholly to be tried, judged, purged in, by and before a Synod of Bishops, or their own Metropolitans or Ordinaries; & that they ought not to put them to death till first convicted, degraded, and delivered up by them to the secular powers. Upon which account [e] *Adam de Arleton* Bishop of *Hereford* in the 17. year of K. *Edward* the 2. being *accused, arrested and examined* of High Treason, *before the King and all the Lords in Parliament, for receiving, ayding, counselling, maintaining* Mortimer, *with other Enemies of the King, and furnishing them with great store of armed men: peremptorily refused to answer his Charge without the connivance and consent of the Archbishop, and the other Bishops his Peers, because he was a Minister, a Member of the Church, and a Bishop. Whereupon the Archbishop and Bishops presently demanded him as a Member of the Church, to be delivered to their Custody and Triall: Some few dayes after the King resolving to arraign him for this Treason before his Royal Tribunal; the Bishops hearing of it, thereupon the Archbishops of* Canterbury, York, *and* Dublin, *accompanied with ten Bishops more, and a great troop of men, with their crosses born up before them, marched to the Court where he was to be arraigned, chased away the Kings Officers, took the Prisoner from the Barre by force before he had made any answer, and carryed him away with them; firmly enjoyning all there present on the behalf of God, that none of them under pain of Excommunication should presume to lay violent hands upon this Traytor to bring him back to the barr, whom they had thus violently rescued from publike Justice. The King being exceedingly moved with this unparalleld insolency and affront,* as he had reason, *commanded the Inquest to be impannelled in his absence; who* finding him guilty of the Treason and Rebellion *whereof he was indicted, according to the truth of the matter: he thereupon seised his Temporalties, Lands, Goods, and banished the Bishop; who notwithstanding his proscription, was by confederacy of these Archbishops and Bishops with strong hand kept safe from the Kings Justice,* in the Archbishop of *Canterbury* (*Walter Reynolds*) his custody: And not long after, this *Trayterous Prelate* and his *Rescuers* confederating with the *Queen* and *young Prince Edward*, by force of armes *imprisoned, deposed* the King himself, without any Trial, Crowned his Son King in his stead; and then murdered him, by this Trayterous Bishops ambiguous unpointed Advise, Edwardum *occidere nolite timere* bonum est.

6ly. That Kings and Emperors *by the Oathes taken at their Coronations*, are bound to obey, maintain, execute all the Popes, Bishops Ecclesiastical Decrees, Canons, Constitutions, Censures of Excommunication, Interdicts, Deprivation, yea of death it self in cases of Heresy or Apostacy, and to become their Bayliffs, Gaolers, Executioners, without examining the justice or legality of their proceedings or sentences, under pain of being excommunicated, interdicted, and deprived of their Offices; as not only Popes, but [f] *Boniface, John Peckham, John Stratford*, and other Archbishops of *Canterbury* and their Suffragans have resolved in their *Convocations*, and *Constitutions*. Hence our learned Martyr *William Tyndall*, in a [g] *Book* printed *Cum Privilegio, London* 1573. complained, That the Bishops with the Pope by a certain Conspiration and secret Treason, have with falshood taken from all Kings and Emperors their right and duties, which now they call their Fradoms, Liberties and Priviledges, AND HAVE MADE EVERY KING SWEAR TO DEFEND THEIR FALSHOOD AGAINST THEMSELVES. So that if any man shall contend to restore Kings again unto their Duties and Right, and to the room and authority which they have of God, and of shadowes to make them Kings indeed, and to put the World into order again, then the Kings deliver up their swords and authority unto these Hypocrites to slay them. The Emperors and Kings are now adayes but even Hangmen unto the Popes and Bishops, to kill whomsoever they condemn, without any more adoe, as Pilate was unto the Scribes and Pharises, and the High Bishop (or Priest) to Hang and Crucify Christ. *For as those Prelates answered* Pilate (*when he asked* what ill he had done?) If he were not an evil doer, we would not have brought him unto thee; *as who should say*, we are

* Marta, de Jurisdict. part 4. Cent. 2. casus 132, 133. & all Canonists, *De Clericis, & Immunitate Clericorum.*

e Tho. Walsingham Hist. Angl. p. 98, 99, 101, 103, 104, 105. Ypodigm. An. 1326, 1327 Antiqu. Eccles. Brit. p. 226, 227. Ralph Holinshed, p. 319, 339, 340. Godwins Cat. of Bishops, p. 232, 233. Speeds Hist. p. 667, 677, 679, to 686.

f See Tome 2. p. 890, to 912 & Here, Epistle Dedicatory, & p. 235, 236.

g Obedience of a Christian man, p. 155. & 137, 138.

are too holy to do any thing amiſſe, thou mayſt believe us well enough, *yea*, † and his blood be on our heads, *ſaid they:* kill him boldly, we will bear the Charge, our ſouls for thine; *We have alſo A LAW by which he ought to dye, for he maketh himſelf Gods ſonne, Even ſo ſay our Prelates, He ought to dye by our Law, He ſpeaketh againſt the Church; *And*, YOUR GRACE IS SWORN TO DEFEND THE LIBERTIES & ORDINANCES OF THE CHURCH, and to maintain our moſt holy Fathers authority, our ſoules for yours, ye ſhould do a meritorious deed therein. *Nevertheleſſe as* Pilate *eſcaped not the judgement of God, even ſo it is to be feared leaſt our Temporal Powers ſhall not.* †Wherefore, be learned ye that judge the earth, leaſt the Lord be angry with you, and ye periſh from the right way. *So this our Godly Martyr*, who experimented the truth thereof ſoon after, for * *oppoſing* the Popes and Biſhops Uſurpations on the Crown, &c. and tranſlating the Bible into *Engliſh*.

† Mat. 27. 23, 24, 25.

* John 19. 17,

† Pſal. 2. 10, 12.

* See Fox Acts & Monuments, Vol 2. p. 362, 363, &c.

7ly. Some Popes, Popiſh Prelates, and Canoniſts both at home and abroad, have pleaded an Exemption from all Subſidies, Aydes, Taxes even for the defenſe of the King & Realm againſt foraign Enemies, unleſs ſpecially authorized & approved by the Popes antecedent Bulls, as being contrary to their Coronation Oath, and the Churches Liberties. Witneſſe the inſolent Bull of [a] Pope *Boniface* the 8. and the conteſts thereupon between King *Edward* the 1. his Biſhops and Clergy, here recited at large, before which his Predeceſſor Pope *Honorius* the 3d. ſeemed to be of a contrary opinion in this memorable Bull of his to the Archbiſhops, Biſhops, Abbots and Clergy of *Ireland*, for a liberal Ayd to King *Henry* the 3. thus enrolled in the Patent Roll of Anno xi *H.* 3. caſually omitted in its proper place.

a See Here, p. 684, 685, &c. See Tom. 2. p. 6. 721. 1024, 1025. Gratian Cauſa 23. qu. 8 Dr. Marta de Juriſdict. pars 4 Cent. 1. Caſ. 1, 10, 11, 13. & the Canoniſts in their Titles, *de Immunitate Eccleſiæ.*

[b] HOnorius *Epiſcopus, Servus ſervorum Dei, Venerabilibus Patribus, Archiepiſcopis & Epiſcopis, & dilectis filiis Abbatibus, Prioribus, & aliis Prælatis ac Rectoribus Eccleſiarum in* Hibernia *conſtitutis, ſalutem & apoſtolicam benedictionem.* Non lætitur libertas Eccleſiaſtica, ſet defenditur, cum defenſori ejus ſtatu rerum et temporum exigenie, [c] ſubſidium liberaliter exhibetur. *Cum ergo kariſſimo in Chriſto filio noſtro* H. *Regi* Anglorum *illuſtri, multa immineant neceſſariarum honera expenſarũ, ac propter hoc ſibi mandaverimus à Clero* Angliæ *ſubſidium exhiberi, Univerſitatem veſtram ſollicitandam duximus & hortandam, per Apoſtolica vobis ſcripta mandantes*, quatenus cum regnum Hibernæ ad ipſum pertinere noſcatur, ac per hoc eidem incumbat defendere veſtrarum Eccleſiarum libertates et jura, voſque deceat ipſi cum expoſcere videtur neceſſitas liberaliter ſubvenire, collectam, penſatis ſingularum Eccleſiarum facultatibus, factatis ad expenſarum ipſius Regis honera ſuppoꝛtanda, *cum conſilio venerabilis fratris noſtri Archiepiſcopi* Dublin. *aliquos viros notæ prudentiæ ac probatæ fidei eligentes, qui pecuniam recipiant per ſubventionem hujuſmodi colligendam, ipſamque aſſignent ipſi Archiepiſcopo & duobus aliis qui ad hoc idonei videbuntur, per eos ad expenſas ipſius Regis quæ videbantur ei & regno ſuo magis neceſſariæ miniſtrand. Mandatum noſtrum taliter impleturi*, quod ipſum Regem ad veſtrum et Eccleſiarum veſtrarum faboꝛem per hoc ſpecialiter inclinetis, gratamque viciſſitudinem ab eo expectare poſſitis tempoꝛe opoꝛtuno. Nolumus autem quod exhibitio ſubventionis hujuſmodi trahatur ad conſequentiam, vel pꝛæjudicium generet Eccleſiaſticæ libertati. *Dat. &c.*

b Pat. 11 H 3. pars 1. dorſ. 12.

c See Tom. 2. p. 396, 406, 407.

Moreover, this Pope was very wary in denouncing any Excommunications, whether general or ſpecial, againſt the King or his Brother, without his ſpecial mandate, as this Record then entred with it informs us.

HOnorius *Epiſcopus, &c. dilecto filio* R. Sanct. Angeli *Diac. Card. Apoſtolicæ ſedis Legato, ſalutem, & Apoſtolicam benedictionem. Diſcretioni tuæ auctoritate præſentium mandamus, quatenus kariſſimi in Chriſto filii noſtri illuſtris Regis* Angliæ, *vel nobilis viri* R. *Com.* Pict. *fratris ſui*, ad denunciationem vel pꝛelationem generalis et ſpecialis ſententiæ Excommunicationis per te vel per alium non pꝛocedas, niſi ſuper hoc mandatum noſtrum ſuſtiperis ſpeciale, *Dat.* Lat. *Id.* Mai, *Pontif. noſtri, &c. An.* x°. Though *Boniface* and other Popes ſince made no bones at all to excommunicate all Emperors, Kings, Princes, who ſhould demand,

Ibidem.

and all Clergymen who ſhould pay any Subſidies, without his antecedent ſpecial licenſe. Upon which account, [d] Doctor *Marta*, and ſome other Canoniſts cited by him peremptorily reſolve; *Eccleſiaſtici ſunt immunes* a quibuſcunque Talliis, Collectis, Tributis, et ſimilibus oneribus realibus, perſonalibus et mixtis. Eccleſiam nullo modo teneri ſolvere Tributum, etiam de illis bonis quæ antea Tributaria erant, et poſtea in Eccleſiam ſunt tranſlata. Prædia tributaria in Eccleſiam tranſlata, et locus ſuppoſitus Tributo, Eccleſiæ traditus, non debent amplius ſolvere tributum, quia ſunt hæc omnia Deo dedicata; [e] Rex nullo modo poteſt imponere extraordinaria ſubſidia, quando iſtud jurabit, prout facit Rex Neopolis, quando invaditur ab hoſtibus, nulla præcedente culpa Principis aut Civium; niſi de conſenſu eorundem ſubditorum propter magnam neceſſitatem, qui poſſunt remittere juramentum.

[d] De Juriſdict. part 4. Centur. 1. Caſ. 10 & 11. nu. 21, to 50.

[e] Dr. Marta, lb. pars 4. Cent 1. Caſ. 10 nu. 11. p 413, 655, 656.

8ly, That Popes and Biſhops by their own inherent Papal and Epiſcopal Authority, both in their Eccleſiaſtical Synods, Conſiſtories, and Viſitations, may lawfully make what [f] *Oathes, Canons, Viſitation Articles* they pleaſe, and impoſe, enforce them not only on their own Clergy and Under Officers, but likewiſe on Church wardens, and other Laymen, yea excommunicate them for refuſing to take ſuch Oathes, or make preſentments by vertue of them on all ſuch Articles which they preſcribe them, till they ſubmit thereto; ſeeing they have from time to time both made, preſcribed Oathes, Articles to Emperors and Kings themſelves at their Coronations, and altered or enlarged them as they thought meet: Witneſſe the Oathes not only introduced and impoſed on King *John* before his abſolution from his Excommunication and the Kingdoms Interdict by the Popes Legate and his Biſhops, with * Pope *Gregory* the 9th. his new Oath of Homage and Allegiance impoſed on all our Biſhops and Abbots, the Oathes *de Calumnia, & veritate dicenda*, and Viſitation Oaths enforced by Biſhop *Groſthead*, his Officers, and others, againſt our Lawes, and King *Henry* the 3d. his [g] *Prohibitions* to reſtrain them, related in my 2d *Tome*; but likewiſe the Oaths preſcribed by *Robert Winchelſey* Archbiſhop of *Canterbury* An. 1293. to his *Judges, Advocates, Clerks, Officers, Proctors in the Arches*; and this Oath of *John* Archbiſhop of *Yorke*, and other our Biſhops impoſed upon the *Lollards* in their Provinces and Dioceſſes, to *worſhip Images, &c.* and obey their Lawes, Canons, Conſtitutions; entred with this ſpecial *Memorandum* in the Clauſe Rolls of *Anno* 19 *R.* 2.

[f] See Henrici Spelmanni Concil. Tom. 2.

* See Tom. 2. p. 460, 464, 465.

[g] Tom. 2. p. 271 272, 276, 279, 287, 218, 866, 400, 464, 466, 467, 830, 831. 489. 707, 699, to 711, 728, 760. 810, 818, 838, 191, 896. Fox Acts and Monuments, Vol. 1. p. 298.

† *Memorandum, quod primo die* Sept. *Anno regni Regis* Richardi *ſecundi poſt Conqueſtum decimo nono*, Willielmus Dynet, Nicholaus Tayllour, Nicholaus Pouther, & Willielmus Steynour *de* Notyngham, *in Cancellaria ipſius Regis perſonaliter conſtituti*, ſacramenta dibiſim præſtiterunt ſub eo qui ſequitur tenore. *I* Willyam Dynet *befor yhowe* worſchipefull Fader and Lorde Archbiſſhop of Yhorke and yhowr Clergie with my frē wyll and full aviſede, ſwere to Gode and to all his ſeyntes, upon this holy Goſpells, yat fro this day forthwarde I ſhall worſhip ymages, with prayying and offeryng unto hem in the worſchip of the Seintes, yat yey be made after; and alſo I ſhal never mor deſpyſe pylgremage, ne ſtates of holy Chyrche in ne degrē: And alſo I ſhall be buxum to the Lawes of holy Chyrche, and to yhowe as myn Archbyſſhop, and to myn oyer Ordinars and Curates, and kepe yo lawes upon my power, and meynten hem. And alſo I ſhall neuer more meynten, ne tochen, ne defenden Errours, concluſions, ne techinges of the Lollardes, ne ſwych concluſions and techinges that men cleppyth Lollardes doctryn. Ne I ſhall her bokes, ne ſwych bokes, ne hem or ony ſuſpect or diffamede of Lollarderye reſceyve or company withall wyttyngly, or defende in yo matters; and if I knowe any ſwych I ſhall wyth all the haſte yat I may do yhowe or elſe yo ner officers to wyten, and of her bokes. And alſo I ſhall excite and ſtirre all yo to goode doctryn yat I habe hinderd with myn doctryn up my power. And alſo I ſhall ſtonde to yho declaracion wych es hereſy, or errour, and do yerafter. And alſo what penance yhe woll for yat I have don for meyntenyng of this fals doctryn injoyn me, I ſhall fulfill it; and I ſubmit me yerto up my power. And alſo I ſhall make no oth'r gloſe of this myn othe bot as ye wordes ſtonde. And if it be ſo that I com agayn, or do agayn this Oth, or any party therof, I yholde me here convable as an Heretyk, & to be puniſhed be ye lawe as an Heretyk, & to forfeit al my godes to the

† Clauſ. 19 R 2. m. 17. dorſ. & Spelmanni Concil. Tom. 2 p. 413, 414, 655, 656.

Kynges

Kynges will withowten any othir pꝛoceſſe of Lawe: and yerto I require ye Notarie to make of all this, ye which is my Will an Inſtrument agains me. *Et ex habundanti* idem Willielmus Dynet eodem die voluit et recognovit, quod omnia bona et catalla ſua mobilia nobis ſint forisfacta in caſu quo ipſe juramentum pꝛædictum, ſeu aliqua in eodem juramento contenta de cætero contrabenerit ullo modo.

In this impious Oath, compiled and enforced upon the Kings Subjects by the Archbiſhop of *Yorke*, then Lord *Chancellor* of *England*, by his own Archiepiſcopal Authority, we may obſerve: Firſt, that it is directly contrary to the letter of the ſecond Commandement, to ſundry other Texts in the Old Teſtament, and to *Acts* 17. 24. *to* 30. *Rom.* 1. 22, 23, 25. 1 *Cor.* 8. 4, 5, 6. *c.* 10 7, 19, 20. 2 *Cor.* 6. 16. 1 *John* 5. 21. *Rev.* 9. 20. in the New. 2ly. Againſt the expreſſe * Laws, Statutes of the Realm, and Liberty of the Subjects perſons, conſciences. 3ly. That it preſcribes a blinde obedience to all the Canons, Laws, preſcriptions of the Archbiſhop or other Ordinaries and Curates. 4ly. That it ſubjects thoſe perſons who took it to a confiſcation of all their goods to the King, for the breach of it, or any particular Clauſe, Article thereof, without any other legal proceſſe, trial, conviction, and likewiſe to a Writ de Hæretico comburendo; though the violation of any branch thereof was never declared Hereſie by Scripture, nor by any of the 4. firſt *General Councils*; nor was againſt any Article of the *Nicene* or Apoſtles Creeds. 5ly. That it obliged them to ſubmit to all penances they ſhould impoſe upon them, and to betray, diſcover to them and their Officers, both the perſons, books, writings of all others reputed *Lollards*. By which exorbitant Oath and proceedings, the Biſhops became Maſters of all mens lives, liberties, eſtates whom they pleaſed to accuſe of *Hereſie*, or declared to be *Hereticks*, and would not wholly ſubmit themſelves to their Eccleſiaſtical uſurped authority; which made every Archbiſhop and Biſhop an abſolute Pope within his own Province and Dioceſſe.

* Mag. Charta, c. 29. 51 H. 3 c. 22. See Tom 2. p. 699, 704, 705, 708, 709, 710.

What ſtrange, * *&c.* and *Viſitation Oaths, Articles*, for *turning our Communion Tables into Altars, and rayling them in Altar-wiſe againſt the Eaſt end of Chancels, bowing to, or towards the Altar; receiving the Communion only at their new Rayles*, with other Innovations, tending *to the countenancing or introduction of Popiſh ſuperſtition, devotion, Ceremonies*, contrary to our Lawes, have of late times been rigorouſly *impoſed upon Miniſters, Church-wardens* and others, by Eccleſiaſtical cenſures, to the general diſcontent, ſcandal, oppreſſion, grievance of the people, by ſundry *Archbiſhops, Biſhops, Archdeacons*, in their Synods, Viſitations, enforcing every *Church-warden* to pay 4 *s.* 4 *d.* or more, for taking his *Oath*, and 6 *d.* 8 *d.* or 12 *d.* for their *Books* of *Articles*, beſides extorted fees for every preſentment on them; (a new extortion, againſt all Lawes and Canons too) their own printed Canons, Conſtitutions, Viſitation Oathes, and Books of Articles, ; with the * *Votes* paſſed againſt them in Parliament, That they were againſt the Kings Prerogative, the fundamental Lawes of the Realm, the Liberty and property of the Subject, and of dangerous conſequence; the *Impeachments* of ſeveral *Biſhops* for them by the whole *Houſe of Commons*, and the Statutes of 17 *Caroli* 1. ch. 17. & 13 *Car.* 2. ch. 12. & 13 *Car.* 2. ch. 1. declaring, condemning *ſuch Oaths and all others made or impoſed by any Authority without the Kings Majeſties royal aſſent, and both Houſes of Parliament*, to be null and voyd in their firſt Creation to all intents and purpoſes whatſoeber, and againſt the fundamental Lawes and Liberties of this Kingdom, will at large demonſtrate.

* See Canterburies Doom, p. 19, 26, 40, 93, to 104.

* Decemb. 16. 1640.

9ly. Some of our Archbiſhops of *Canterbury* have grown ſo inſolent, that becauſe ſome of our Kings were not crowned by them, or their predeceſſors in their abſence, when exiled by them for their Treaſons and Rebellions, as upon that account alone to pull the Crown violently from the Kings head at the ſolemn Coronation of the Queen; and to excommunicate all thoſe Biſhops who preſumed to Crown them by their royal appointment, without their licenſe or deputation, as the premiſed inſtances of *Ralph de Turbine* and *Thomas Becket* evidence: whoſe ſucceſſors, (like the Archbiſhops of *Rhemes* in *France*) have claimed it as their peculiar priviledge, to crown all our Kings, as if they had no Liberty or Prerogative

left them to be Crowned by what Bishops, persons, and at what times, places themselves shall think meet to appoint, as they have frequently done.

10ly. Sundry Popes, Popish Prelates, Canonists heretofore, yea Popish Priests and Jesuites of late, have from hence affirmed, the Coronations of Emperors, Kings by them to be an essential antecedent qualification to constitute them real, legal Emperors, Kings, and that they were not such by *descent* or *election*, *before they were consecrated by, and received their Crowns, Scepters, and other Ensignes of Royalty from the hands of Popes or Bishops.* Upon this false pretence, *Watson* and *Clarke*, two *Italianated Roman Priests*, conspired with the Lords *Cobham*, *Gray*, and others to seise King *James* and Prince *Henry* his sonne at *Greenwich*, upon their first arrival out of *Scotland*, and to imprison them in *Dover Castle*, or the *Tower, till they should obtain their own pardons*, a toleration of the Popish Religion, *and a removal of some Counsellors of State; or else to put some further project in execution against them*; affirming to those they drew into their Conspiracy, and pleading it at their arraignments for this Treason; [h] That the Act was lawfull, and no Treason, being done before the Coronation, for that King *James* WAS NO KING OF *ENGLAND*, BEFORE HE WAS ANOYNTED; and the Crown solemnly set on his Head: These Priests were condemned and executed as Traytors, but the Lords *Cobham*, and *Gray*, and other their seduced Proselytes were pardoned by the Kings grace, upon their acknowledgement of, and craving pardon for their Treason, grounded upon this false Doctrine. Upon this account, the *Guysian Jesuitical* faction in [i] *France* asserted some few years before, That they might lawfully take up arms against, depose, murder and slay King *Henry* the 4. of *France* to death, because he was not Crowned and anointed King by their Popish Bishops, from whom he should have received his Royal Crown and Authority; and so was no lawfull King, but a Tyrant. Which erronious treasonable Doctrine, is largely refuted by *sundry presidents, reasons* in point of Law and Divinity, by [k] Sir *Edward Cooke* in *Calvins* case, by Dr. *Crakenthorpe*, in his *Defence of Constantine*, c. 14. p. 341, 342. and [l] *Johannes Servin* Advocate to King *Henry* the 4, in his *Vindiciæ*, to whom I referr you; who prove the *Coronation, Unction of Kings to be a meer Ornamental Ceremony, which many Emperors, Kings never used, received, being Emperors, Kings, by and from their very Elections, descents, without and before this Ceremony*; as Historians attest, and sundry eminent [m] *Lawyers* and [n] *Divines* resolve.

h Speeds History of Great Britain, p. 1242 1243. Sir Edward Cooke 7 Report, Calvins case, f. 10, 11.

i John de Serres & Grimstons General History of France, p. 866.

k 7 Report, f. 10, 10.

l Melchior Goldastus Monarchia Sacri Romani Imperii, Tom. 3. f. 208, to 214.

m Hierom. Balbus de Coron. p. 68. n Cusanus, l. 3. c. 4. Jac. Almain. de Potestate Eccles. & Laic. qu. 2. c. 10.

11ly. Sundry Popish Bishops and Priests have inferred from hence, that they only are the *holy Church*, and *Gods inheritance* intended in these Kings *Coronation Oathes, Charters*, with a seclusion of the Laity; † appropriating the Title of the *Church, Clergy* to themselves alone: when as they were never stiled *the Church, Congregation of God, or Christ*, in any one Text throughout the Old or New Testament, but the *believing* * *Laity, Saints and people of God*, as distinct from them, and they only the *Ministers, Bishops, Angels, Pastors, Elders, Servants* of the Church, or Church of God, *whom they are to feed, instruct, and take care of*, as their *Servants*, not *Lords*, as the ° *marginal Texts*, all Expositors on them, and Mr. *William Tyndall* in his excellent *Treatise*, What the *Church* is, resolve and evidence; Whence the *Church* and *Parliament* of *England* in the 19th *Article of Religion*, and all *Protestant Churches* else in their publike *Confessions*, thus define the Church. *The visible Church of Christ* is the Congregation of faithfull men, *in the which the pure Word of God is preached, and the Sacraments be duly administred according to Christs Ordinance*; (not the Pope, Bishops or Clergy) and of the Authority of this Church alone, (not the Bishops or Clergy) they affirm Article 20. *The Church hath power to decree Rites and Ceremonies, and authority in contro-*

† See My Unbishoping of Timothy and Titus, p. 136, to 141.

* *Sed & ubi tres, Ecclesia est, licet Laici.* Tertul. exhortatio ad Castitatem, Tom. 2. c. 5. p. 179. *Parisiis* 1566.

° Acts 2. 47. c. 8. 1. c. 11. 26. c. 14. 23, 27. c. 15. 3, 22, 41, c. 16. 5. c. 20. 17, 24. Rom. 16. 1, 4, 5, 16, 23. 1 Cor. 4. 17. c. 6. 32. c. 10. 1. c. 11, 16, 18. c. 14. 4, 5, 22, 23, 33, 34. c. 16. 1. 19. 1 Cor. 1, 2. 2 Cor. 1. 2. c. 8. 1, 18, 19, 23, 24. c. 11. 8, 28. c. 12. 13. Gal. 1. 2, 13, 22. Ephes. 3. 21. c. 5. 23, to 33. Phil. 1. 1. c. 4. 15. Col. 1. 18, 24. c. 4. 15. 1 Thes. 1. 1. c. 2. 14. 2 Thess. 1. 1, 4. 1 Tim. 3. 5. c. 5. 16. Philem. 2. Hebr. 2. 12. c. 12, 13. Jam. 5. 14. 1 Pet. 2. 19. c. 5. 1, 2, 3. 2 John 6. 9, 10. Rev. 1. 4, 5, 11, 50, c. 2. 1, 7, 12, 17, 18, 19, 23. c. 3. 1, 7, 13, 14, 22. c. 22. 16. And the Harmony of Confessions.

versies,

versies of faith, &c. yet not to ordain any thing contrary to Gods written Word; as many Popes, Bishops have done in their Councils and Synods, wherein themselves presided: Therefore the Christian people must be included under the Title of *Holy Church*, which our Kings swear to defend, as well as the Bishops and Clergy; and their own demands to our Kings, for themselves, and all the Churches committed to their Care, with the forms of Institutions to Churches, evidence the *people* rather to be the *Church* then themselves, who are but *Overseers* Pastors and Curates of the *Church*.

12ly. Popes and Popish Prelates have from hence usurped a power to impose and enforce upon Emperors, Kings, and other Laymen whom they have interdicted or excommunicated, a cautionary Oath, [p] De standoet parendo mandatis Ecclesiæ, before they would absolve them; now lately revived by some, against the expresse Custom, Lawes, Liberties of our *Realm*, declared and sworn to by all the Bishops and Nobles of the Realm in the Parliamentary Great Council held at *Clarendon* under King *Henry* the second: Yet they themselves by several [q] *Canons* declare, that no *Pope* nor *Bishop* ought to swear or take an Oath before any Emperor, King, or Council, but only in the case of *faith*, to purge himself from suspition of Heresie; nor any Clerk to take an *Oath* as a Witnesse or otherwise in any *Temporal Court*, or cause, especially if *trivial*, as all Laymen ought to do, *without the Popes or Bishops special license first obtained*; but their assertions, in verbo Episcopi, or Sacerdotis must be allowed, instead of an Oath, as equivalent to it; *Ne manus per quam corpus & sanguis Christi conficitur* JURAMENTO polluetur; as I have [r] elsewhere more largely evidenced.

13ly. A reverend *French* Doctor of *Divinity* promoted in our Church, in a [s] *Treatise* newly published, recites our *Kings Coronation Oath* at large, and from thence observes, *That the King in his Oath*, swears in a manner, THRICE FOR THE CLERGY PARTICULARLY, and for no other estate of the Realm besides; *to intimate, that as your Law calls the Clergy*, A High State, and One of the greatest States of the Realm; *so it deserves* a special Care and High regard proportionable. *That by this* Juratory Oath, *the King swears in special*; That he will be a Protector and Defender of the Bishops and Clergy, *not only* of their Persons, *as so qualified* with such Rights, and Liberties, *but also of their* Possessions: By vertue of which Oath the King and all others *are in point of Conscience obliged* to restore to the Church, Bishops, Clergy, *not only all the lands and possessions taken from them during the late Warrs*; but likewise all *Mannors, Lands, Rents, Revenues whatsoever, heretofore taken away from any Bishopricks, Abbies, Monasteries, Monks, Nonnes, Masse or Chantry Priests whatsoever by any of our Kings by the Legislative power in Parliaments, in former ages*, [t] under pain of incurring the sins of Perjury, Sacrilege, and drawing down the Curses of God and their founders, and exemplary destruction, judgements on themselves, their families, yea the whole Kingdom and Nation; as he magisterially resolves; because, *being once given, consecrated to God and his Church, they can never be taken away from them, or converted to any secular uses by Kings, Parliaments, or other Soveraign powers, for any offenses, idolatrous or superstitious uses limited by the donors, nor for any crimes or abuses of those to whom they were given, there being an æternal holinesse annexed to them, which cannot be obliterated.* For answer whereunto; I would desire this confident Doctor to resolve these *Quares*; 1. Whether any Archbishop, Bishop, Priest or Clergyman, can or ought by the Law of God to covet or desire any more, *than a* [u] *competent, convenient maintenance, answerable to his diligence, labor, care in the conscienceous discharge of his Ministerial Function, in feeding the flock of Christ which he hath purchased with his own blood?* And whether those *who labor not in the Word and doctrine, preach not in season and out of season, neglect their pastoral duties, feeding themselves not their flocks, or reside not with them*, can lay any claim by divine right to any Church-revenues; since Christ himself resolves, [x] *that none but Labourers in and Preachers of the Gospel, are worthy of their meat, hire*: and those *that labor not*, (by [y] St. *Pauls* resolution) *ought not to eat?* Whence this Maxime in Law and Divinity, **Beneficium propter officium**, had its original. If so: Whe-

p See Tom. 2. p. 271, 272, 279, 287, 288, 311, 384, 651, 652

q See Tom 2. p. 830, 831.

r Concil. Triburiense sub Arnulpho. Surius Concil. Tom. 2. p. 561. See here, Tom. 2. p. 707, 708.

s Dr. Isaac Basire, his Sacrilege arraigned by St. Paul, London 1668. chap. 9. p. 168, to 174. & p. 220, 228,

t Ibidem ch. 6. throughout; & c. 9, 10, and elsewhere.

u Prov. 30. 8, 9. Mat. 6. 11 c 10 10 Lu 10 7. Rom. 15. 27. 1 Cor. 9. 7, to 15. Gal. 6. 6. 1 Tim. 3. 2, 3. c. 5. 17, 18. c. 6. 6. to 13. Acts 20. 18, to 36 Phil. 4. 10, to 20. Heb. 13. 5. 17. 1 Pet. 5. 2, 3. 1 Thes. 5. 12, 13.

x Mat. 10. 10. Lu. 10. 7. 1 Cor. 9. 13, 14. John 21. 15, 16, 17. 2 Tim. 4. 2, 5.

y 2 Thess. 3. 7, 8, 9, 10, 11. Ezech. 34. 2, 3, to 11.

ther

ther Christian Kings and States may not lawfully without guilt of Sacriledge, or violation of their *Oaths*, resume and take away such superfluous Mannors, Lands given by their Ancestors from the Crown to any Archbishops, Bishops, Priests or other Clergymen, for the neglect of their pastoral duties, especially in cases of publike necessity, so as they reserve a competent, sufficient maintenance for those who are pious, laborious, worthy of * *double honour* and encouragement?

* 1 Tim. 5. 17, 18.

2ly. Whether *High-Priests*, *Priests*, *Levites* under the Law, and *Apostles*, *Bishops*, *Priests*, *Deacons* under the Gospel, *though of divine institution, solemnly consecrated for Gods immediate service*, and the instruction, salvation of the peoples souls, may not justly lose, forfeit, null these their *Sacerdotal* consecrations, and be legally deprived of their respective *holy Orders*, and the maintenance belonging to them for their *vicious scandalous lives*, *Heresies*, *Scismes*, yea actually † *executed and put to death* for their *Murders*, *Treasons*, *Rebellions*, without any Sacriledge, their *consecrations* becomming *unconsecrations*, (as the [z] *Jews circumcision became uncircumcision*, by their prophanesse, crimes, and *violations* of *Gods Lawes*? If so: as the Presidents of [a] *Elyes* sonnes, [b] *Abiathar* the *High Priest*, with [c] *others in the old*, and of [d] *Judas*, who fell from his Apostleship for *selling* and *betraying* our Saviour Christ, *in the new Testament*; with *hundreds of* [e] *presidents* of *Popes*, *Patriarchs*, *Archbishops*, *Bishops*, *Priests* degraded, executed in all ages, *Churches*, *Kingdoms*, and our own; together with the [f] *Roman Pontificals* in the forms of their *depositions*, *degradations* of *Patriarchs*, *Archbishops*, *Bishops*, *Priests*, *Deacons*, resolve past all dispute, and this Doctor dares not deny. Then much more may the Temporal Lands and Revenues given to them, being not of divine institution, nor so immediately consecrated to Gods service, nor capable of any real inherent holinesse, as they are, lose their relative holinesse, by their Crimes, or abuses of them; and thereupon be converted to other uses by our Kings and Parliaments, without any Sacriledge, if they see just cause: so as Gods service be still supported in all places necessary.

† See my Supplemental Appendix to *John Hus* his Disputation, p. 49, to 78.

z Rom. 2. 25, 26, &c.
a 1 Sam. 2. 22, to the end, c. 3. 11, to 19. c. 4. 10, to 19. c. 14. 3.
b 1 Kings 2. 26, 27, 35.
c Neh. 7. 64, 65. c. 12. 28. Jer. 23. Ezech. 34. & Mal. 2. throughout. Ezech. 44. 7. to 25.
d Acts 1. 16, to 26.

e See Platina, Balæus, and others de Vitis Pontificum, Eusebius, Evagrius, Theodoret, Sozomen, Nicephorus Callistus Eccles. Historiæ, Annales Baronii, Johannes Zonaras & Nicetas their Annales. Fox Acts and Monuments.
f Pontif. Romanum, p. 457, 458.

3ly. Whether Temples, Sanctuaries, Cathedral, Parochial, Collegiate Churches, and private Chappels, solemnly erected, consecrated to Gods sacred Worship, with their respective materials, ornaments, vessels, vestments, utensils, when *forsaken*, *abhorred by God*, decayed, demolished, or deserted by fire, inundations, earth-quakes, wars, pestilence, or seised on by conquering Enemies of a different Religion, expelling the Natives who erected them, for the Bishops, Priests, or peoples sinnes, together with the soyl whereon they were built, and Churchyards adjoyning to them, do not thereby lose their Consecrations, and become common or prophane? If so: as (1) *sundry sacred Texts*, the presidents of (2) *Shiloh*, *Gods own House*, *Temple*, in the (3) *Holy City* of *Jerusalem*, all the (4) *Synagogues of God* in the *Holy Land*, the famous Churches of *Ephesus*, *Antioch*, *Philippi*, *Colosse*, *Thessalonica*, *Thyatira*, *Pergamus*, *Philadelphia*, *Sardis*, *Corinth*, *Smyrna*, *Constantinople*, *Alexandria*, with many hundreds of particular Churches, Chappels destroyed, suppressed by the invasions of the *Goths*, *Vandals*, *Saracens*, *Turkes*, *Tartars*, *Danes*, throughout *Asia* and *Europe*, and our own Realms, evidence; and *Hugo Grotius*, de Jure Belli & Pacis, l. 3. c. 5. with the Authors there cited by him prove at large. Yea [g] *Popes*, and *Popish Bishops*, *Canonists* (who attribute most holinesse to consecrated places) unanimously determine, *Si Ecclesia in*

(1) Jer. 12. 7. Psal. 78. 60. Lam. 2. 6, 7. Jer. 7. 12, 14. c. 16. 6, 9.
(2) Psal. 78. 60.
(3) 2 Kings 25. 9, to 18. 2 Chron. 36, 16, to 21. Jer. 5. 2. 13, to 18. 5, 26, c. 9, 12. Isay 63. 10. 64. 11, 22. Lu. 10. 44. c. 21. 5, 6. Mat. 24. 2, 3. Ps. 74. 1, to 10. Ps. 80. 1, 2. Dan. 11. 31. Lam. 1. 10. c. 2. 7, 20. c. 4. 1. Dan. 8. 11, 13. c. 9. 26. Amos 7. 9.
(4) Ps. 74. 8.

g Iginus Papa, Gratian, de Consecratione, Distinct. 1. Barth. Brixiensis, Johannis de Thierry, & others in their Glosses thereon, Angelus de Clavasio, Summa Angelica; Consecr. Ecclesiæ, nu. 3. Augustinus Barbosa, De Officio & Potestate Episcopi, Pars 2. Allegatio 27. nu. 13, to 20. Paulus Pixsecius, in Praxi nova Episc. D. c. 5. nu. 4. Gambarupta, De Casibus reservatis, c. 25. cas. 2. n. 2. Vgolinus Dist. 29. nu. 4. vs 1. Lud. Miranda, d. art. 4. Concl. 2. Marius Alterius de Consecra. Tom. 2. Dis. 3. t. 2.

totum

totum corruit, vel destruitur quoad tectum & parietes, aut in majori parte, ità ut oporteat eos noviter simul reficere; vel si parietes ipsi igne decruştentur intus & exterius, minime retinent antiquam consecrationem, et execrata censeantur. *Etiam quando Ecclesia insimul & in totum destruitur, eo animo ut iterum reædificetur ex eadem materia: Vel si parietes corruunt in totum vel in majori parte* erit Ecclesia execrata censenda, et noviter consecranda. And they further resolve, [h] *Si populus noluit Ecclesiam quæ minatur ruinam, restaurare,* ea debet penitus destrui, et Episcopus potest vendere lapides Altarium vel Ecclesiarum destructarum: Ecclesiæ vetustate collapsæ, quando reparari nequeunt, sunt in totum destruendæ, without any sinne or Sacriledge. Yea the *Act* for Rebuilding of *London* made this Parliament An. 19 *Caroli* 2. c. 3. enacts, That *the Parish Churches to be rebuilt within the City of* London *which were demolished by the late fire shall not exceed the Number of* 39. *And that the Scites and Materials of the other* (40) *Churches which are not intended by this Bill to be rebuilt, together with the Churchyards, shall be and are thereby vested in the Lord Major and Aldermen of the City of* London *for the time being, and that such of them as shall not upon the rebuilding of the City of* London *be layd into the Streets, shall be sold or otherwise disposed of* (*for buildings or market places*) *by the said Lord Major and Aldermen, or the major part of them, by and with the consent of the Archbishop of* Canterbury, *and Bishop of* London *for the time being: and the money raised by such sale disposed of and imployed towards the rebuilding of such Parish Churches, as by this Act are intended to be rebuilt.* Yea the *Canonists* themselves resolve, That both Cathedral, Collegiate, and Parish Churches, may be translated from one place to another, either by reason of the incursions of Enemies, the unwholsomnesse of the air, the peril of inundations, or remotenesse from the parishioners; and that they may be demolished, and Forts, Castles built in their places to hinder the incursions of foreign enemies in times of Warr, so as other lands by way of exchange be given in recompense for them, without any Sacriledge: Therefore there is no such *inherent inseparable holinesse in them,* as this Doctor surmiseth: much lesse in the Lands and Temporalties belonging to them, which were never *solemnly* consecrated, and *revert to the founders or Donors themselves, when the Churches are destroyed, ruined, deserted, translated to other places*; as our Judges, Lawes, have long since resolved, *Ingulphi Historia*, p. 895, 896. 8 H. 5. Tit. *Abbe.* 28. 20 H. 6. 8 b. 20 H. 8. *Brooke* Extinguishment 35. & Corporation 78. 11 E. 4. 4. a. per *Chok.* 7 E. 4. f. 11, 12. *Fitzh.* Graunt 17. & *Cookes* 3 Report, f. 75. b.

h Joan. Aloysius Riccius in Praxi Aurea, Resol. 201, 208 Fran. Zerula in Praxi Episc. 2. Verb. Paroch. Sect. 6. 9. Navarrus de spoliis Cler. Sect. 18. nu. 11. vers. 1. De Episcopis, nu. 15. Augst. Barbosa, de Offic. & Potestate Episcopi, pars 3. Allegat. 66. nu. 14, 15, 17, 19.

4ly. Whether God himself hath not expressly commanded in [i] *several Texts*, all *Temples Places, High-Places, Altars, Groves, Images dedicated to the Worship of Idols, false Gods*, or to be *utterly destroyed, cut down, and burnt with fire*, though dedicated with a pious, but erronious intention, for the honor, worship of a Deity, though false, *and that the consecrated Priests of these Idols, and their worshippers, revolting from the true God, should be put to death*; which King *Hezekiah, Josiah, Jehu* under the Law, and [k] *Constantine* the Great, with other Christian Emperors, Kings under the Gospel, zealously executed, for which they were highly applauded? Whether [l] *Moses* himself did not thus destroy *the Golden Calf, made and consecrated by* Aaron *to represent, worship the true God in and by it*, (as the sacred History, and [m] *Divines* accord) *and burn, grind it to powder, strow it upon water, and make the children of* Israel *drink thereof?* Whether *Jeroboams* Calves, and their Temples at *Dan* and *Bethel*, made to represent *and worship God in and by them*, (which proved the *destruction* of him and his *family*,) were not likewise *destroyed* by *Josiah*, as being directly contrary to the second Commandement? And whether *Hezekiah did not break in pieces the brazen serpent which* Moses *had made, because the children of* Israel *did burn Incense unto it*, to Gods dishonor, *though a* [o] *Type of Christ?* If so: Whether by the self-same reason, *Temples, Monasteries, Chappels, Chauntries, Images of the sacred Trinity, of God the Father, Sonne, Holy Ghost*, of the *Virgin* Mary, other *Saints, Angels*, erected in times of *Popery*, for the worship of the true God in an *Idolatrous, superstitious, erronious uses*, against his Word and precepts, may and ought not by the self-same reason to be demolished by our *Christian Protestant Kings, Parliaments*; and the

i Levit. 26. 30. Numb. 33. 52. Deut. 7. 5, 6. c. 12. 2, 3. c. 13. Judges 2. 2. 2 Kings 18. 4, 22. c. 23. 5, to 17. 2 Chron. 14. 3, 4, 5. c. 17. 1, 5. c. 31. 1. c. 34. 3, to 8. 1 Kings 13. 2. 2 Kings 10. 19, to 31. Ezech. 6. 3, 6. c. 18. 30.

k See Here, 1. p. 46. 120.

l Exod. 32. 1, to 25. Deut. 9. 21. Ps. 106. 19, 20, 21.

m See Dr. Raynolds de Idololatria Romanæ Ecclesiæ, l. 2. c. 3. nu. 16, 17. &c. Calvins Institutes, l. 1. c. 11.

n 1 Kings 12. 26, to the end, c. 13. 1, 2. 2 Kings 1. o 2 Kings 18. 4. Numb. 21. 8. See the Homily against the peril of Idolatry. p John 12. 32, 33.

Lands,

Lands, Revenues, annexed to them for the maintenance of Popish idolatry and superstition, be lawfully confiscated, and converted to publike secular uses, without any *Sacriledge*, or violation of *Prov.* 20. 15. *Act.* 5. 1. *to* 17. *Rom.* 2. 22. or any other sacred Text? And whether Gods special direction to *Moses*, * *to make broad plates for the covering of the Altar of the brazen censers of* Korah *and* Dathan *which were hallowed*, on purpose, *to be a memorial to the children of* Israel, *that no stranger, which is not of the seed of* Aaron *come near to offer incense before the Lord, that he be not as* Korah *and his company*, (on which this Doctor much relies) be any way pertinent, to prove it Sacriledge, to convert such lands to secular uses.

* Num. 16. 37, 38, 39.

5ly. Whether Churches built, consecrated, endowed with lands, revenues by Hereticks and Schismaticks, may not lawfully be demolished or taken away from them by [q] *Christian Emperors, Kings*, and confiscated to their *Exchequers* without any *sacriledge* or *impiety*, (as in the cases of the *Donatists*, *Novatians*, *Manichees*, *Arians*, and other *Hereticks* and *Schismaticks* in former ages) being the most probable means to suppresse their Heresies and Schisms? If so: (as I presume this *Doctor*, who much inveighs against Schismaticks throughout his *Treatise against Sacriledge*, will readily grant;) then by the self-same reason our Kings and Parliaments might justly suppresse, demolish all *Monasteries* to suppresse *Popish Idolatry*, *Heresie*, *Superstition*, and confiscate most of their lands and revenues to the Kings Eschequer, without any Sacriledge or impiety.

[q] See Justinian Codicis l. 1. tit. 1. & 8. De Hæreticis & Manichæis, Gratian de Consecration: Distinct. 1. Hegee, Tom. 1. p. 48, 49. & My Sword of Christian Magistracy supported.

6ly. Whether the Lands or Revenues given and dedicated to one religious Order of Monks or Nunnes, upon their dissolution, can be justly challenged by any other religious Order to whom they were never granted nor designed; any more then lands given or bequeathed to one person and his heirs, or to one City or Corporation and their successors, can be justly claimed by another person or Corporation upon the attainders or dissolutions of those to whom they were given, for any treason or felony? If not, as is most certain by [r] *all divine* and *human Lawes*: then how can any of our Evangelical Bishops, Presbyters, Priests or Deacons, who are of *divine institution*, by any Lawes of God or man, challenge a lawfull Title, right, interest in, or to all or any the Livings, Lands, Tenements, Rents, Revenues heretofore given, dedicated, appropriated to any Orders of *Monks*, *Freers*, *Nunnes*, *Monasteries*, of meer *Papal*, not *Divine institution*, by any of our antient Kings or others, either for the expiation of their horrid scandalous Sinnes, Murders, Rapines, Adulteries, Whoredoms, Perjuries, or other Crimes; or else for the salvation of their own and others souls, and ransoming them from Hell or Purgatory flames, by their merits, fastings, alms, or prayers for them to the *Virgin Mary*, and other Saints *departed*; in high derogation of the *all-satisfactory merits*, *mediation* of our Lord Jesus Christ, *the* [s] *sole Mediator between God and man, the only Advocate and propitiation for the sins of men*: and condemn it as most *impious*, *inexpiable Sacriledge*, not to restore them to their actual possession, to whom they were never given, dedicated, nor intended, and that for the performance of such superstitious Popish services, which themselves condemn, and neither can nor ought to perform? If then St. *Pauls divinity* be orthodox, and his assertion legal, [t] *We have an Altar* whereof they have no right to eat, *which serve the Tabernacle. And the Priesthood being changed, there is made also of necessity a change of the Law*: so that the Cities, Glebes, Oblations anciently belonging to the Jewish High Priests, Priests and Levites abolished by Christs priesthood, could not be thereby legally challenged or transmitted to the Apostles and Ministers of the Gospel. Our clamorous *Doctor* and his Confederates must henceforth give over their pretended divine and legal claims, titles, to all or any of our dissolved Abbyes and Monasteries, Lands, Revenues, with their Satyrical invectives against all who refuse to resign or restore them to those Churches, Church-men, to whom they were never given, and from whom they were not taken; for fear they incurre the Prophet *Isay* his Censure of the covetous lazy Priests in his age; [u] *They are all dumb doggs, sleeping, lying down, loving to slumber*: Yea, they are greedy doggs, who can never have enough: *shepherds that cannot understand, they all look to their own way*, every one for his gain from his quarter. Come ye, say they, we will fetch wine, & we will fill our selves with strong drink, and to morrow shall be as this day, and much more abundant; as the fat lazie Monks and Abbots did; especially if they can

[r] *Semel donata, data & relicta à fidelibus in suarum Ecclesiarum utilitatem & unum casum primatàm jure antiqua, quàm nova Concil. i* Tridentini *Constitutum applicari non possint, sine Papæ auctoritate.* August. Barbosa, de Officio & Potestate Episcopi, pars 3. Alleg. 64. n. 17.

[s] Hebr. 9. 15. 1 John 2. 1, 2.

[t] Hebr. 13. 10. c. 7. 12.

[u] Isay 56. 10, 11, 12.

can once effect their long prosecuted design of gaining all antient Abbey Lands and Revenues by their Satyrical invectives against *Sacriledge*.

Now whereas this [a] *Doctor* argues; that *admit the Clergymen were guilty of all the crimes laid to their charge, yet their personal delinquency cannot forfeit their Lands which they have* in Jure Ecclesiæ, & in Jure Dei, *they being but usufructuaries of the profits of them during their lives; and in nature of Tenants for life, who cannot forfeit* Gods inheritance *and fee.*

a Sacriledge arraigned, ch. 8 p. 156, 157.

I answer: 1. That all our [b] *Lawbooks* resolve; that *Bishops, Abbots*, and other *Clergymen* are seized of their *Lands in fee* in *Jure Ecclesiæ*, and *not tenants for life*. 2ly. That they may therefore forfeit the *Lands* they have *in Jure Ecclesiæ & Dei*, either by [c] *alienations of them for life*, or *in fee to their bastards, whores, kinred, others*, against the donors intentions, or *by their neglecting and ceasing to perform the Divine services, and works of piety, charity, devotion* for which they were *specially given to them*; and that by the expresse provision, words of the Statutes of 13 E. 1. c. 41. & 6 E. 1. cap. 4. which gives the Donors and their heirs Writs of *Contra formam collationis*, and of *Cessavit*, to recover the Lands so *forfeited* by their *abuses*, or *non-performance* of the *divine services*, or *almes for which they were given*. 3ly. This is evident by sundry memorable presidents, recorded in our *Histories, Records* and *Law-books*: The 1. is that of the [d] *Abbesse* and *Nunnes* of *Berkeley* in *Gloucestershire*, who being all bigg with childe by Earl *Godwins Nephew*, and so found by inquisition, King *Edward* the *Confessor* thereupon dissolved the Monastery for their whoredoms, and gave the Lands to Earl *Godwin*, from whom the *Barons* of *Berkeley* have enjoyed it as the seat of their *Barony* for many hundred years. The 2. the [e] Abbesse of *Ambresbury*, who having three bastard children after her profession, and about 30. of her *Nunnes* being likewise convicted of incontinency; thereupon *their order was dissolved*, and their lands given by King *Henry* the 2. to the Nuns of the Order of *Font-Ebrard* in *Picardy* by the advise of Pope *Alexander*, *Richard* Archbishop of *Canterbury*, and the rest of our Bishops, Earls, and Barons, as the [f] *Charters, Patents* of *Henry* the 2. *Richard* the 1. King *John*, *Henry* 3. 4. & 6. assure us, and *Roger Hoveden, Gervasius, Bromton, Henry de Knyghton*, and others story. To which I might adde the presidents of the Nuns of St. *Eligius* in *Paris*, Anno 1107. of *Argentel*, and of St. *Johns* of *Laudnne*, Anno 1129. who for their *infamous, diabolical whoredomes*, were deprived, ejected, suppressed, and their Lands, Monasteries, transferred to others. *Nunneries* (as [g] *Nicholaus de Clemangiis* and others complain) degenerating frequently into *Stewes* and *Brothels*, Non Dei sanctuaria, sed Veneris execranda prostibula. The 3. is the famous Order of the Knights of *the Temple of Jerusalem*, who being instituted about the year of Christ 1118. and endowed with most [h] ample possessions, priviledges both by Christian Emperors, our own and other Kings, Popes Bulls, and Decrees of Councils, for the defence of the *Holy Land, Christianity* and *Christians* against the *Saracens* and other *Infidels*, were yet for their intollerable *pride, avarice, abuse of priviledges, Apostacy, Sodomy, and other crimes*, (*whereof many of them were accused, and found guilty by their own confessions*, if we believe Pope *Clements Bull*) upon the frequent complaints of the *French King* & others against them, *after near 200 years continuance*, notwithstanding their Bulls, Priviledges, in the *General Council of Vienna, totally and finally suppressed by that Council and Pope* Clement *the 5th.* An. Dom. 1312. whereupon all their persons were *imprisoned in one day* throughout *England, France* and *Christendom*; their Manors (amounting to 9000. in all places,) with their Lands, goods in *England, seised into the hands of K.* Edw. *the* 2. as escheated to him & other Lords by Law by their dissolution; though *most of their lands afterwards by the Decree of this Council, and a special Act of Parliament*, were translated to the *Hospitallers*, as our [*] *Records*, [i] *Historians* and the Bulls of this Pope to the Archbishops and Bishops of *England*, and Archbishop of *Yorke*, at large relate. The 4. is

b 2 E 3. 29. 6 E. 3. 10. 24 E. 3. Juris Utrum 4. 25 E. 3. 54. 38 E. 3. 19. 12 H 4. 11. 9 E. 4. 6. Dyer 238. Cooks 1 Instit. f. 300 b. 341 a. b. 2 Instit. f. 457.

c Fitz. & Brook contra formam Collationis, 7 R. 2. Cessavit 18. Reg. 238 a. Old Nat. Brev. 221. b 32 E. 3. Cessavit 24. 9. 12 H 4 24 a. Fitz. Nat. Br 209. to 212. Lit. sect. 136 137. Coo. 2 Instit. p. 457, to 460. Here, p. 334.

d Gualter Mapes de Nugis Curialium, MS. in Bibl. Bodleiana: Cambd. in Britannia, p. 262, 263. Here Tom. 1. p. 310, 311.

e Chartæ Antiquæ GG. & B. nu. 8. Cart. 1 Joan. Regis, n. 103 Cart. 12 H. 3 nu 11. Cart. 8 E 2. nu. 24. Pat. 3 H. 4. pars 1. n. 24. Pat. 22 H. 6. nu. 11. 24. Here, Tom. 1. p. 759, &c. Tom. 2. p. 228. Monasticon Angl. Vol. 2. p. 191, 192. 866.

f Joannis Lydii ad Clemangem

Analecta, p. 23, 24, 25. Gulielmus de Nurgiaco Chronol. Anno 1129. g De Corrupto Ecclesiæ statu, cap. 23. Ivo Carnotensis, Epist. 70. h Cart. 1 Johan. Regis nu. 7, to 23. & 91, to 102 Chron. Gervasii, Anno 1453, 1454. Mat. Paris, An. 1118. p. 64, 596. Surius Concil. Tom. 3. p. 707, 624. Antoninus Tit. 15. c. 20. Polychronicon, l. 7. c. 16. * Clauss. 1 E. 2. dorss. 12. Cedul. Cl. 7 E. 2. d. 16. Ced. & d. 12. Cl 17 E. 2. m. 4. 1. 7, & 17. i Chron. Johannis Bromton col. 1008. Chron. Gervasii col. 1454. Tho. Stubs Actus Pontif. Ebor. col. 1730. Henr. de Knyghton de Event. Angl. l. 3. c. 14. col. 2531. Surius Concil. Tom. 2. p. 459, to 463.

the Caſe of [k] *Thomas Pype* Abbot of *Stonely*, who had more *Baſtards* then *Monks*, An. 38 E. 3. and of many Abbots, Monks of *England*, who *being found guilty by ſeveral Inquiſitions upon Oath of moſt deteſtable Sodomies, Adulteries, Whoredoms*, and other Crimes in King *Henry* the 8. his reign, epitomized by [l] *John Bale*, and [m] *Speed* in his *Hiſtory of Great Britain*, were thereupon totally ſuppreſſed, and their Lands by Act of Parliament confiſcated, and transferred to this King, his heirs and ſucceſſors; who ſold and converted moſt of them to ſecular uſes: Which alienations, together with his reſumptions, alienations of ſeveral Mannors from our Archbiſhops and Biſhops, were ratified as legal, by the Popiſh Parliament, and all our *Prelates, Clergy*, the Statutes of 1. & 2 *Phil.* & *Mary*, chap. 8. and by the *Bull* of Pope *Julius* to *Queen Mary*; without the guilt of *Sacriledge*, wherewith this Doctor now aſperſeth them, as I have [n] *elſewhere evidenced at large*; and therefore ſhall no further inſiſt on.

k See Cooks 2 Inſtit. p. 334: & Here, p. 458.

l Acts of Engliſh Votaries.

m Page 1042, 1043. Henry Stephen his Apology for Herodotus, cap. 21. f. 183.

n My Supplemental Appendix to John Hus his Diſputation, p. 92, to 112.

I pretermit all other particular advantages, and encroachments of Juriſdiction of leſſer moment, which Popes, Popiſh Archbiſhops, Biſhops, Prieſts, Canoniſts, and Divines have uſurped by, and deduced from the Coronation Oathes preſcribed by them to Emperors and Kings. But theſe recited are of ſuch publike, grand concernment to their Prerogatives, Soveraignties, Crowns, their Kingdoms, Peoples Laws, Liberties, and ſo pertinent to my Subject-matter in this, the precedent, as well as ſubſequent *Tomes*, that I could not pretermit, but recommend them to your ſpecial obſervations.

I have only one thing more to inform you of; that ſince the finiſhing of this *Tome*, I have diſcovered two groſſe miſtakes together, relating to King *John*, his ſucceſſors and Realm, in a modern Great *French* Hiſtorian, *Andre de Cheſne* his *Hiſtoire D'angleterre, Deſcoſſe, & D'irland*, [x] newly printed in two large folio Volumes at *Paris*: who relating the ſtory of King *Johns* reſignation of his *Crown*, and Realms of *England* and *Ireland* to Pope *Innocent*, and homage to him as his Vaſſal and *Tributarie* under the annual rent of 1000 marks; affirms, 1. *Que de ſon temps meſme*, et juſque a ce que le Roy Henry 8. renonca le Pape et Leſgliſe Romaine l'an MD. XXXIV. le cens et tribut annuel fut tous jours payen: when as the *payment* [*] *thereof was oft oppoſed, and conſtantly denyed from the* 17 *year of* Edward the 1. ſince which it was never payd, though demanded by Popes from him and his ſucceſſors; yea it was unanimouſly and magnanimouſly reſolved againſt both by the King, Prelates, Nobles and Commons in the Parliament of 40 *E.* 3. Rot. Parl. nu. 7, 8. in caſe the Pope ſhould demand it. 2ly. *Que Roys* Inas *par une humble piete*, rendit ſon Royaume tributaire a l'Egliſe Romaine, *environ l'an* 740. *tellement que chacun maiſon* deboit payer une piece de argent, *& les appelloient vulguarrement*, Les deniers de Saint Pierre: which he ſtiles and reputes le Tribut annuel; et deſlors l'Angleterre n'aboit jammes failly de faire la mailly bonne aux Papes juſque a ce que Henry viii. tout le premier fiſt defenſe de leber cet argent. When as *Peter-pence was never granted nor payd as a* Tribute *to the Pope or Church of* Rome, but as a *meer voluntary Almes* to the *Engliſh School* in *Rome*, and its payment *frequently interrupted, denyed*, before our King *Henry* the 8. aboliſhed it by *Act of Parliament*; as I have [y] *largely evidenced*, againſt *Baronius* and other Pontifician *Hiſtorians* and *Divines* before this new Hiſtorians Books came forth in print: The very ſame I finde [z] *likewiſe aſſerted* in, *Divers Traitez ſur les Droicts & Prerogatives des Roys de* France, printed *A Paris, avec Privilege le Roy*, Anno 1666. p. 79. who from thence argues, the Precedency of the Kings of *France* before the Kings of *England*, for that they held their Crowns immediately from God, when as the Kings of *England* (as *Offa, Inas, Ethelwolfe*, and King *John*) rendred themſelves Tributaries and Vaſſals to the Pope.

x Anno 1666. Avec Privilege du Roy, lib. 12. p. 514. & lib. 20. p. 54, 55.

* See Tom. 2. p. 299, to 302, 306, to 325. & Here, p. 157, to 160, 390, 391.

y Tom. 1. p. 202, to 209.

z Tom. 2. p. 301 302, 314. & Here, p. 390, 391.

z Refuted by Dr. *John Tillotſon*, in His *Rule of Faith*, p. 92, 93, 97, 98 107, 119, 123, to 132, 154, to 158, 227, 158, 159, 284, 294.

Since the compleating of this *Tome* and the *Epiſtles* to it, one Mr. *Creſſy* a *Benedictin Monk* (an Apoſtate from the *Church of England*, who writ two or three [z] *Pamphlets* againſt our *Church* & *Religion* to ingratiate himſelf with the *Roman party*, and advance *Oral Tradition* above the *Scriptures*, as the *only Rule of Faith*) hath publiſhed a large * *folio Volume, of the Church Hiſtory of Brittany*, from the *beginning of Chriſtianity till the Norman Conqueſt*, dedicated to the QUEEN: wherein though he impertinently mentions my *Church-Hiſtory* in his Preface to the *Reader*, yet he neither refutes nor takes Notice of any paſſages in my former *Tomes* throughout his *Hiſtory*, as I and others expected.

* Printed at *Paris* 1668, newly brought over by the *French* Embaſſador.

If.

A Table of the Chapters, &c.

If upon peruſal of this *Tome*, any Readers ſhall reap ſatisfaction, information, or profit by my *Collections* or *Obſervations* therein, let me enjoy the benefit of their *prayers*, at leaſt a *candid* acceptation of theſe my *Labors*, and if they ſhall chance to diſcover any involuntary real *miſtakes* therein, (beſides the *Errataes* at the Preſſe, which I have amended, and deſire them to correct before they read this *Volume*) I ſhall humbly crave their friendly advertiſement of them, that ſo I may rectifie them if there be juſt cauſe upon ſecond thoughts. *Farewell.*

From my Chamber in the Tower *of* London, Auguſt 18. 1668.

William Prynne.

A TABLE of the ſeveral *Chapters* and their *Contents* in this *Third Tome*; to which I have made ſome ſmall *Additions*, where needfull.

BOOK V. CHAP. I. *Containing ſundry* Records, Popes Bulls, Writs, Prohibitions, Attachments *for ſuits in* Courts Chriſtian, *not formerly printed*; *and ſome* Hiſtorical Paſſages, *during the reigns of King* JOHN, *and* HENRY *the Third, relating to their* Eccleſiaſtical Juriſdiction, *the* Church-affairs *in* England *and* Ireland: *Their Tranſactions with* Popes, Popes Legates, Nuncioes, Delegates, Popiſh Prelates: *together with their ſeveral* Uſurpations *on*, Attempts *againſt their* Royal Rights, Prerogatives, Subjects Liberties, Properties; *and theſe* Kings, *their* Nobles, Parliaments, Counſils, *and* Judges *Oppoſitions againſt them: With the Elections, ſucceſsions, Acts of* Popes, *of* Engliſh *and* Iriſh Biſhops, *and what concerns them*; *as an* Appendix *to the Second* Tome. Page 2. *to* Folio 133.

CHAP. II. *Containing ſeveral* Records, Prohibitions, *and* Hiſtorical paſſages, *evidencing the* Eccleſiaſtical Supremacy *of our renowned King* EDWARD *the* 1. *in and over all* Perſons, Cauſes Spiritual, *as well as* Temporal, *in* England, Ireland, *and other his* Dominions. *His Oppoſitions againſt* Papal, Prelatical Uſurpations, Incroachments *upon the* Rights *of his* Crown, Laws, Subjects Liberties. *The Chief* Tranſactions, Bulls, Letters *between* Him, *and the* Popes, Court *of* Rome: *And the Elections, Confirmations, Succeſſions, Acts of* Popes, Archbiſhops, Biſhops, Abbots, *and other Clergy-men in* England, Ireland, *and his forraign Dominions, from the beginning of the* Firſt, *to the end of the* Tenth Year *of his raign. With ſome other particulars of* Note *and* publike concernment, p. 117. (next after fol. 133.) *to* p. 298.

CHAP. III. *Compriſing ſeveral evidences out of* Records *and* Hiſtories *of King* Edward *the* 1. *his* Soveraign Eccleſiaſtical Juriſdiction *over all* Perſons, Cauſes, *and chief management of all* Eccleſiaſtical affairs *in* England, Ireland, Scotland, *and other his* Dominions: *With* Popes, Biſhops *various* Encroachments *thereon*; *And* His, *his* Parliaments, Counſils, Judges Oppoſitions, Prohibitions *againſt them*: *together with the moſt conſiderable* Negotiations *between* Him, *and the* Popes, Cardinals, Court *of* Rome; *the Elections, Confirmations, Succeſsions of* Biſhops *in* England, Ireland, *his Dominions in* France, *and of* Popes *in* Rome; *from the beginning of the* 11. *till the end of the* 20. *year of his* Reign: *As alſo the* Tranſactions

factions *concerning his* Superiority *over the Realm of* Scotland, *as* Soveraign Lord *thereof*; *with the Pleadings of the* Competitors *to the* Crown *of* Scotland *before him as their* Superior Lord; *and his Judgement given therein for* John Bailiol, p. 298. *to* 549.

CHAP. IV. *Conteining King* Edward *the* 1. *his Claim, exercise of* Soveraign Ecclesiastical Jurisdiction *over all Persons, Causes within* England, Ireland, Scotland, *and his other* Dominions. *His* Oppositions, Prohibitions, Edicts *against* Bishops *and other* Clergy-mens Encroachments *thereon*; *especially Pope* Boniface *the* 8. *his* Constitution, *prohibiting all* Clergy-men *under pain of* Excommunication *to grant or pay any Taxes, Subsidies to any* King, *or for* Kings *to demand or receive them, without the* Popes *precedent license*: *He puts his* Bishops *and* Clergy *out of his Protection for submitting to it, and denying him an Ayde demanded, till they were inforced to purchase general and particular Protections from him. A Catalogue of those Ecclesiastical and Religious persons who purchased such Protections for their safety. His Opposition against this* Popes Bulls *concerning his* Soveraign Dominion, Title, *to the* Realm *of* Scotland *and other* Kingdoms. *The negotiations between King* Edward, *the* Popes, Court *of* Rome, *the* French, *and* Scots. *The French King* Philips, *and Pope* Boniface *the* 8. *their* Contests, Proceedings, *and* Declarations *against each other. The Elections, Successions, Acts of* Popes, English, Irish Archbishops, Bishops, *and other* Church, State-affairs, (*especially the Contests between the King and his Barons, concerning the Confirmation of the* Great Charters, Deafforestations, *and between the* Scots *and Him*) *faithfully collected out of* Records *and* Historians *from the beginning of the* 21, *to the end of the* 30*th year of his Reign*; *The* Scots Kings, Prelates, Nobles, Commons *solemn reiterated* Oaths *to him*; *with their Names, perfidious* violations *of them, and* punishments *for it*. p. 549, *to* 980.

CHAP. V. *Conteining the imprisonment, death of Pope* Boniface *the* 8. *The* Letters, Bulls, Negotiations *between King* Edward *the* 1. *and this* Popes Successors, *with their Successions in the See of* Rome. *This Kings* Acts *of* Soveraign Ecclesiastical Jurisdiction *over the Churches, Prelates, Clergy of* England, Scotland, Ireland, *and Soveraign Dominion over* Scotland. *His* Prohibitions, Statutes, Edicts *against* Papal Provisions, Extortions, *and* Prelatical Usurpations *upon the* Rights *of his* Crown *and* Temporal Courts. *The Elections, Acts, Successions of* Archbishops, Bishops, Abbots, *and other* Prelates, Priests, *in the Churches of* England, Ireland, Scotland, *and Forraign Dominions*; *With other Particulars relating to our* Publike Church *and* State-Affairs, *from the beginning of the* 31. *year of King* Edward *the* 1. *till his death, in the* 35*th year of his reign*; *Collected out of the* Records *of those years and* Historians, p. 980, *to* 1204.

A Supplemental Appendix *of* Records, Bulls, Prohibitions, Epistles, Petitions, *to the Raign of King* Edward *the* 1. *from the* 2*d. to the* 25*th. year of the said King, to the same effect as those in the* 2, 3, *and* 4. *premised* Chapters, p. 1204. *to* 1308.

14 *Several* Tables *Containing all the particular Matters in this Tome, printed at the end thereof.*

THE

THE THIRD TOME OF

An exact *Chronological Vindication*, and *Historical Demonstration* of our *British*, *Roman*, *Saxon*, *Danish*, *Norman*, *English* KINGS Supreme *Ecclesiastical Jurisdiction*, in, and over all Religious or Ecclesiastical Matters, Causes, Persons, as well as Temporal, within their Realms and Dominions.

The PROLOGUE.

M*Y constant daily* attendance in Parliament *during its* Sessions, *besides other* publick Imployments, *and the extraordinary increase of the late* raging Pestilence (*Anno* 1665.) *in* London *and its* Suburbs, *interrupting me in my perusal of all the ancient* Records *in the* White-Tower-Chappel, (*there buried in* dust *and* oblivion *in one* confused Chaos *for many years past*) *necessitated me to omit in my* second Tome *and* Appendix, *sundry pertinent* Records, Popes Bulls, Letters, Writs, Prohibitions, Attachments *at the* Kings *and grieved parties prosecutions against the* Usurpations, Citations, Provisions, Excommunications, Interdicts, Exactions, Innovations *of* Popes, Popes Legates, Delegates; *and our* Archbishops, Bishops, Ordinaries, Archdeacons, Deans, Officials, *their* Courts Christian *and* Officers *upon the ancient* Rights *and* Prerogatives *of the* Crown, *the* Liberties, Properties *of the* Subjects, *the* Temporal Courts, Laws of the Land *during the Reigns of King* John *and* Henry *the* 3. (*with some material passages in our* Historians) *which I have since discovered, not unworthy publick view*; *Which* (*according to my* Chronological *method*) *I shall here present to the Readers in a* distinct Chapter, *before I proceed to the Reign of King* Edward *the First*; *with some brief, usefull* (*and I hope not* unseasonable *nor* unacceptable) Observations *on and from some of them*, *for the better* information *as well of the* Professors *as* Students *of the* Common Law; *and a clearer* detection *then hitherto hath been made, of such* usurped Jurisdictions *in some* Temporal causes, *which the* Popish Prelates, Councils, Clergy, Courts Christian *in these Kings reigns endeavoured to* monopolize *into their* own hands *and wrest out of* these Kings *and their* Courts; *and other* Prelates, Canonists *since*, (*yea in this very age*) *have* overboldly *claimed by confident false* averments *in their* Councils, Canons, Decretals, Glosses, Writings, Arguments, *as the ancient* sacred Rights, Liberties *of Holy* Church, peculiar *to* Courts Christian, *upon apparent* Mistakes *and* Forgeries *of their own coyning*, *which they would then and now obtrude upon the* ignorant World *as* undoubted Truths; *to enlarge their* Phylacteries, *advance their* Papal Canon Laws *above the* Common, *the* Popes *and* Bishops Miters *above the* Imperial Crown. *The* discovery *and* countermining *of which* long-agitated Design *in successive ages*, *is the principal scope*, *end of these my* Chronological Collections, *to which I shall now address my self without further* Prologue, *in the ensuing Chapter*; *augmented with new Additions* (*especially of* Prohibitions, Suits *and* Attachments *on them against* Ecclesiastical Judges, Officers, persons) *in this reimpression*, *the most part of the former printed* Copies, *and the preceding* Tomes *being burnt to ashes by the late* consuming Fire *in the* Printers house, *to my great loss*, *and retarding of this* Volumes *publication*.

BOOK V. CHAP. I.

Containing sundry Records, Popes Bulls, Writs, Prohibitions, Attachments *for suits in* Courts Christian, *not formerly printed; and some Historical passages during the Reigns of King* John, *and* Henry *the* III. *relating to their Ecclesiastical Jurisdiction, the Church-Affairs of* England *and* Ireland, *their transactions with* Popes, Popes Legates, Nuncioes, Delegates, Popish Prelates: *together with their several Usurpations on, attempts against their Regal Rights, Prerogatives, Subjects Liberties, Properties; and these Kings, their Nobles, Parliaments, Counsils and Judges oppositions against them.*

An. 1 Johan. *Regis.*

TOME 2. Page 227. Line 3. after *Christians*, insert; King *JOHN* was no sooner possessed of the Realm of *England*, but he immediately (in the very first year of his Reign) evidenced to all the World, not only his Piety and Regal Duty, but *Ecclesiastical Soveraignty*, both by ratifying, protecting, enlarging the Ecclesiastical as well as Temporal Liberties, Priviledges, Churches, Chappels, Tithes, Lands, Possessions granted by his Ancestors to several *Archbishopricks*, *Bishopricks*, *Monasteries* in *England*, *Ireland* and *Normandy*, by sundry [a] *Charters* extant in his Charter-Rolls in the *Tower*: using this expression in the Prologue of confirmation to the Monastery of *Cirencester*,

a See Cart. 1. Johan. Regis, pars 1. nu. 5, 7, 10, 15, 18, 31, 37, 41, 45, 51, 53, 57, 59, 60, 61, 63, 68, 86, 90, 98, 101, 132, 133, 156, 158, 159, 162, 171. And pars 2. n. 5, 11, 25, 32, 38, 48, 56, 57, 58, 60, 68, 70, 71, 76, 81, 86, 123.

[b] *Johannes* Dei gratia, *&c.* Quoniam honori nostro condecens, et saluti nostræ necessarium, loca sancta et religiosa quæ ab avo patris nostri Rege *H.* primo, sunt fundata, et a Rege *H.* secundo patre nostro confirmata defendere, custodire, et amplificare. Inde est, quod Deo & Ecclesiæ Sanctæ *Mariæ* de *Cirecestr.* & Canonicis Regularibus ibidem Deo servientibus, damus & concedimus, *&c.* *(the Liberties and Lands therein mentioned at large)* Dat. per manum *H. Cantuar.* Archiep. Cancellar. nostri apud *Sag.* 7. die *Augusti*, anno Regni nostri primo. *Which Prologue he likewise used in other of his Charters.*

b Chart. primo Johann. n 68. m. 24. parte prima.

Moreover, to manifest his superintendency over, and special care even of *Hubert* Archbishop of *Canterbury* his Chancellors soul, as well as of his person or estate; he inserted this expression into his Charter, whereby he authorized him to make a Will, and devise his goods; which he could not then legally do without his Royal license.

Chart. An. 1 Johan. parte 2. m. 8. n. 160.

Johannes Dei gratia, *&c.* Quantò venerabilem patrem nostrum in Christo *H. Cant.* Archiepiscopum artiori vinculo dilectionis amplectamur, tantò magis cupimus & frequencius optamus omnia quæ personam suam tangunt, et ea maxime quæ ad salutem animæ pertinent, in summa firmitate et stabilitate permanere. Volumus igitur & firmiter præcipimus, quod testamentum quod idem Archiepiscopus tàm de bonis Archiepiscopatus *Cant.* quàm de aliis quibuscunque bonis suis, secundum Deum condiderit, firmum sit et stabile, nec alicujus voluntate immutetur in aliquo vel impediatur. His testibus *S. Andr.* Episcopo, *&c.* Dat. per manus *S.* Archid. *Wellen. F.* de *Grei*, &c.

Lo here this Archbishop, who used to prove and confirm other men Wills after their deaths, had his own Will ratified by this Kings Royal Charter *for the good of his soul*, as *Supreme Ordinary*, during his life, to make it valid, irrevocable after his decease.

About the same time the King confirmed to this Archbishop and his Successors all the donations of Lands, Liberties, Customs, Exemptions, and all other things granted to the Church of *Canterbury* by any of his predecessors, or any other Ecclesiastical or secular persons, by this short Charter.

Chart. An. 1 Johan. Regis, part. 1. p. 159.

Johannes Dei gratia, *&c.* Noveritis nos pro salute animæ nostræ, & animarum antecessorum & successorum nostrorum, et ob reverentiam beati *Thomæ* Martyris, & omnium Sanctorum quorum in *Cant.* Eccleſia reliquiæ requiescunt, concessisse, &

præsenti

præsenti Carta nostra confirmasse Deo & Ecclesiæ Christi *Cant.* & venerabili patri nostro *H.* ejusdem loci Archiepiscopo & successoribus suis imperpetuum, omnes donationes terrarum, tenementorum, libertatum, & liberarum consuetudinum, quietanciarum, & omnium aliarum rerum & possessionum quæ ex donatione nostra, vel antecessorum nostrorum, vel ex donatione quarumlibet aliarum personarum Ecclesiasticarum vel Secularium adepti sunt: Statuentes & firmiter præcipientes, ne quis eis contrà prædictas donationes aliquam injuriam vel molestiam inferat, aut in aliquo contra libertatem prædictarum donationum venire præsumat. Volumus eciam & firmiter præcipimus, quod prædictus Archiepiscopus & Successores imperpetuum omnia prædicta adeò benè & quietè, liberè & integrè habeant in omnibus, & possideant sicut debent & solent, & sicut hucusque habuisse & possedisse dinoscuntur, & sicut Chartæ quas inde habent rationabiliter testantur. Teste *R.* Episcopo Sancti *Andreæ*, *Roberto* Com. *Leircestriæ*, &c. Dat. per manum *F. Wellen.* Archid. & *Johannis de Grei* apud *Chinonem*, 26. die *Sept.* anno regni nostri primo. *An.* 1. Johan. *Regis.*

He likewise ratified by his Soveraign Ecclesiastical Authority and † *Charter* the * *premised Charter* of King *Richard*, touching the exchange between Archbishop *Hubert* and the Bishop and Monks of *Rochester*, of the Mannor of *Lambheth* for other lands, and the Clause therein, *authorizing the Pope*, *Archbishop of* Canterbury, *Bishops and Clergy of* England, *to excommunicate the infringers thereof.* Besides, he appropriated several *parochial Churches in perpetuity to the Bishoprick of* Coventry *and* Litchfield; converted other parochial Churches into præbendaries; and ratified the Orders made by Bishop *Hugh* for the better Regulation of that Church, by these two Charters. † Chart. 1 Johan. Regis, pars 1. nu. 158. * Here, Tome 1. pag. 1102.

JOhannes Dei gratia, *&c.* Sciatis nos pro salute animæ nostræ, & antecessorum & successorum nostrorum animabus, dedisse & concessisse, & præsenti Charta nostra confirmasse *G. Coventr.* Episcopo, omnibusque successoribus suis Ecclesiam de *Wellehale*, & Ecclesiam de *Forton*, cum omnibus ad eas pertinentibus, in puram & perpetuam Eleemosynam, habendas et tenendas in propriis usibus suis, libere et quiete, et sine omni exactione in perpetuum. Præterea confirmamus Deo & Ecclesiæ Sanctæ *Mariæ* & Sancti *Cedde* de *Lichfeld*, & prædicto Episcopo & successoribus suis Ecclesias de *Ruggeleg* & de *Canoch*, quæ ex dono Regis *H.* patris nostri in prædicta Ecclesia de *Lichfeld* sunt præbendatæ. Quare volumus & firmiter præcipimus, quod prædictus Episcopus & successores sui præfatas Ecclesias cum earum pertinentiis (sicut prædictum est) habeant & teneant liberè & quietè, honorificè & pacificè in perpetuum. Teste *G.* filio *Pet.* Com. *Essex*, *W. Marescal.* Com. de *Pembroc. Rob.* fil. *Rob. &c.* Dat. per manus *S. Wellen.* Archid. & *J.* de *Gray* Archid. *Glouc.* apud *Porcestr.* die 25. die *April.* Anno Regni nostri primo. Chart. 1. Johan. Regis, pars 2. n. 147.

JOhannes Dei gratia, *&c.* Sciatis nos pro amore Dei, & pro salute animæ nostræ, et animarum antecessorum et successorum nostrorum, dedisse et concessisse, et præsenti Carta nostra confirmasse Deo et Ecclesiæ Sancti *Mariæ* et Sancti *Cedde* de *Lichfeld*, et venerabili patri nostro *G. Coventren.* Episcopo, et successoribus suis Ecclesiam de *Bathekewell*, cum præbendis et omnibus aliis ad Ecclesiam pertinentibus, ut secundum ordinem et dispositionem quem *Hugo* bonæ memoriæ *Coventr.* Episcopus super eadem Ecclesia de *Bathekewell* fecit, ea cum omnibus pertinentiis suis in proprietatem de *Lichfeld* Ecclesiæ convertatur; Salvo tamen servitio tum Presbyterorum qui in eadem Ecclesia de *Bathekewell* deserviant, et juxta arbitrium Episcopi Diocesani rationabilem sustentationem habebunt. Ordinationem namque *H.* prædicti Episcopi, quam super hoc fecit, ratam habemus, et futuris temporibus semper habebimus. Ecclesia autem de *Lichefeld* concessit nobis unum Presbyterum præbendarium in Ecclesia de *Lichfeld*, qui singulis diebus vitæ nostræ Missam cantabit pro sanitate et incolumitate nostra, et post mortem nostram omnibus diebus Missam pro salute animæ nostræ cantabit imperpetuum. Quare volumus, et firmiter præcipimus, quod prædictus *G.* Episcopus, et successores sui post eum habeant et teneant prædictam Ecclesiam de *Bathekewell*, cum Præbendis, et omnibus aliis ad eam pertinentibus benè et in pace, liberè et quietè, integrè, plenariè et honorificè, cum omnibus libertatibus et liberis consuetudinibus suis, sicut prædictum est. Teste *Willielmo Marescall.* Com. de *Pembroc. Willielmo* Com. *Sarum*, *Johanne* de *Pratell*, *Rob.* de *Turxham*, *Tho. Basset*, *&c.* Dat. per manum *S. Wellen.* Archid. apud *Valen.* 3. *Feb.* Anno Regni nostri primo. Cart. 1. Johan. pars 2. num. 25.

The like Charter of confirmation of Churches, Tithes, and Liberties he made to the

An. 1 & 3 Joh. *Regis.*

Bishop of * *Exeter* and his successors the same year; which those who please may peruse in the Charter Roll.

A great difference arising between this King, and the Bishop, Sheriff of *Lexovie* concerning his and the Sheriffs rights within that City, he referred it to a legal trial in his Court; and then ratified the Bishops rights by this ensuing memorable Charter, reciting the proceedings therein; and his care to protect the Churches dignities.

* Chart. 1. Johan. pars 2. num. 73.

Chart. 1. Johan. pars 1. m. 13. dorso. Carta Lexovien. Episcopi de Vicecom.

JOhannes Dei gratia, &c. Inter ea quæ ad conservationem justiciæ pertinere noscuntur, nihil specialius Regibus et Principibus Christianis incumbit, quam dignitates Ecclesiasticas in sua stabilitate tueri. Et ne forte per * obliviones hominum, rerumque ac temporum mutabilitates, ea quæ pia consideratione gesta sunt, præcipuè per judicium diffinita, novis in posterum possint implicari calumpniis, auctenticorum scriptorum patrocinio communire. Cum autem inter nos et dilectum nostrum in Christo *Willielmum de Rupetra Lexoviensem* Episcopum, super jure et potestate ab antiquis temporibus antecessorum nostrorum in Civitate et Banlenca *Lexovien.* ad nos pertinente contentio verteretur, tandem ne quid de jure Episcopi et Ecclesiæ *Lexovien.* videretur nobis aliquatenus usurpasse, fecimus per multitudinem legitimorum et antiquorum Militum de vicinia illa juramentis interpositis recognosci, quantum juris ad nos in Civitate et in Banlenca prædicta, quantum ad ipsum Episcopum *Lexoviensem*, et quantum ad Militem quendam *Robertum* scilicet cognominatum *Vicecomitem* pertinebat, qui videlicet Miles Vicecomitatum sibi apud *Lexovium* hereditario jure competere asserebat. Recognitum est autem in Curia nostra coram nobis et Baronibus nostris per testimonia Decem et octo Militum juratorum, nos tantummodo tria placita quæ de Spata vocantur, in illa Civitate et Banlenca habere, videlicet de summonicione exercitus, De via Curiæ nostræ, et de moneta. Quæ etiam tria placita per manum dicti Episcopi vel Ballivorum suorum ante nos vel Senescallum nostrum ibidem inter assisas nostras debent adduci. Ita tamen, quod nihil de emendis alicujus istorum trium placitorum sibi posset Episcopus vendicare: Sed eas per manum ipsius vel Ballivorum suorum debemus habere. Et præter hæc tria placita nichil nobis juris in prædicta Civitate remanet aut Banlenca, Cætera autem omnia jura et placita, tam de Spata quam alia quibuscunque modis vel causis eveniant, cum eorum emendis ad Episcopum sine omni contradictione pertinent et querela. Recognitum fuit etiam per eosdem Milites, quod prædictus *Robertus* nichil juris vel hæreditatis habuit in prædicto Vicecomitatu. Ipseque *Robertus* postmodum in Curia nostra coram nobis et Baronibus nostris remisit ipsi Episcopo et successoribus suis imperpetuum totum jus quod sibi vendicaverat et clamaverat in Vicecom. illo. Quare volumus et firmiter præcipimus, quod idem Episcopus et omnes successores sui libere habeant, teneant et possideant Civitatem et Banlencam suam cum omnibus immunitatibus supradictis, absque omni molestia, gravamine et exactione per nos seu per ministros nostros ibi deinceps facienda, sicut superius in hac pagina prænotatum est.

* Which confutes the grounds, and shewes the absurdity of the New Popish Doctrine, of Oral Tradition.

King *John* having occasion to constitute a Proctor in the Court of *Rome*, as well to promote the affairs of the Emperour *Otho* his Nephew, as to prevent the malicious designs of the Bishop of *Senns* against him and his Realm, with whom he had a controversie, constituted *Peter Barell* his Proctor by this Charter.

Chart. 1. Johan. pars 1. dorso, m. 6. num. 16.

SAnctissimo Patri et Domino *Innocentio*, Dei gratia sanctissimo Summo Pontifici, et Dominis in Christo venerabilibus Episcopis, Presbyteris et Diaconis sanctissimæ Sedis Apostolicæ Cardinalibus, universisque has litteras inspecturis. *Johannes* ejusdem gratiæ dono Rex *Angliæ*, Dominus *Hyberniæ*, Dux *Normanniæ*, *Aquitaniæ*, Com. *Andegaviæ* salutem. Super controversia quam *Hamelinus Senon.* Episcopus personæ nostræ et Regni persecutor publicus nititur intentare, dilectum et familiarem Clericum nostrum Magist. *P. Barell* loco nostro Procuratorem constituimus, et ejus objectionibus responsalem. Ratum habituri quicquid per *G.* ratione prima statuetur, Teste meipso apud *Rupem Aurinal.* 14 die *Januarii.*

* Chart. 1 Johan. pars 1. nu. 12. dorso. & pars 2. n. 3.

What monies the King borrowed of others for this Proctors accommodation at *Rome*, the * *Charter-Rolls* of that year record.

An. 3 Johan. *Regis.*

Tome 2. p. 234. after *Marcii*, insert; King *John* in the third year of his Reign by his Ecclesiastical Soveraignty licensed *Peter Builler* to enter into what Religion he pleased, by this memorable *Charter*.

a Pat. 3. Johan. m. 8. nu 32.

[a] REX, &c. Omnibus, &c. Sciatis nos dedisse licentiam *Petro Builler* transferendi se ad quam voluerit Religionem. Et inde has literas nostras patentes

et re-

ti reliquimus in teſtimonium. Teſte meipſo apud *Barnevill*, 29 die *Octobris*. *An.* 3 & 4 Joh. *Regis.*

The ſame year King *John* ſending two ſpecial meſſengers to *Rome*, to promote his Affairs there (where nothing could be procured without money) authoriſed them to take up 500 marks in *Silver* from any Merchants, which he obliged himſelf by this Patent to ſatisfie them.

J. Dei gratia, *&c.* Univerſis mercatoribus has literas inſpecturis, ſalutem. Noverit univerſitas veſtra quod nos latores præſentium, *Hugonem de Feritate* & *Rob. de Sablenc.* pro negociis noſtris promovendis ad *Romanam* Curiam deſtinamus, et mercatoribus a quibus pecuniam uſque ad D. marcas argenti pro ipſis negociis promovendis mutuo acceperint, ipſam pecuniam perſolvere tenebimur; & nos per præſentes literas principales ſuper hoc conſtituimus debitores, et terminum ſtatutum ſecundum conventionem inter prædictos Clericos noſtros et mercatores factam, illis qui præſentes litteras nobis vel mandato noſtro reddent, una cum literis prædictorum Clericorum patentibus, ſummam pecuniæ mutuo acceptæ, proteſtantibus prætaxatam pecuniam ex integro faciemus perſolvi. Teſte meipſo apud *Silham*, 6. die *Januarii.* Pat. 3. Regis Johan. m. 6, & 10.

After which follow three Obligations more, with two Sureties for borrowing and repaying this *D. marks* and *M. marks* more; for what end, unleſs to oppoſe the * Popes *proviſion* to the Biſhoprick of Saint *Davids*, or the † *Iriſh* Biſhops uſurpations in electing an Archbiſhop of *Armach* without his licenſe, againſt whom he appealed, I cannot conjecture. * See Tom. 2. p 234. to 238. † Tom. 2. pag. 240.

The ſame year the King iſſued this Writ to the Barons of *Britain* to maintain the Counteſs of *Britains* Will, leſt the Pope by his uſurped authority, or ſome other ſhould ſeiſe upon her goods, belonging to him.

J*Ohannes* Dei gratia, *&c.* Bar. *Brit.* Mandamus vobis rogantes quod Teſtamentum *C.* quondam Comitiſſæ *Brit.* ſicut ipſa illud rationabiliter condidit, & ſecundum Deum teneri faciatis in hiis quæ ad nos pertinent, ne Dominus Papa vel alius ad hoc valeat manus apponere. Teſte meipſo apud *Hich.* 30 die *Jan.* Pat. 3. Regis Johan. m. 5.

The King the ſame year to ſecure himſelf againſt his enemies and the Popes uſurpations, entred into this offenſive and defenſive League with *Sancius* King of *Navarre*, againſt all perſons whatſoever (not excepting the Pope) ſave only the King of *Marocco*, not mentioned by any of our Hiſtorians.

S*Ancius* Dei gratia Rex *Navar.* Omnibus Chriſti fidelibus ad quos litteræ iſtæ pervenerint, ſalutem & ſinceræ vinculum caritatis. Vobis omnibus præſencium ſignificatione facimus manifeſtari, quod nos facimus & firmamus pacem & veram amiciciam cum Domino *Johanne* illuſtri Rege *Angliæ* & ſucceſſoribus ejus, & ſuper Crucem & Evangelia ſancta Juramus, nos illam toto tempore vitæ noſtræ firmiter et fideliter ſervaturos. Juramus et firmamus, quod bona fide et ſine omni fraude dabimus eidem Regi conſilium et auxilium modis omnibus pro poſſe noſtro, tam per nos ipſos quam per homines et fideles noſtros, et cum pecunia noſtra contra omnes homines, ſolo Rege *Marroccorum* excepto; nec cum aliquo inimicorum prædicti Regis ſine conſenſu et voluntate ipſius pacem vel concordiam, aut Treugam aliquam faciemus. Ad majorem autem hujus rei memoriam & certitudinem, præſens inde ſcriptum fieri præcepimus, & ſigillo noſtro muniri. Et notandum, quod hæc Carta facta fuit apud *Chin.* 14. die *Octobris*, anno regni Domini Regis tercio, & liberata fuit in Camera *B*, Clerico, eodem die. Pat. 3. Regis Johan. m. 9.

The *French* King perfidiouſly breaking his Truce with King *John*, made in the firſt year of his reign, (endorſed on the † *Charter Roll*) to carry on that War, he not only demanded a Supply of monies from his Nobility and Clergy, but likewiſe from the * *Ciſtercian* Abbots; by this memorable Letter enrolled in his *Patent Rolls.* † Chart. 1. Johan. part. 1. dorſo. * See Mat. Paris Hiſt. Angl. p. 201. *An.* 4 Johan. *Regis.*

[a] REX, *&c.* Univerſis Abbatibus *Ciſtercienſis* Ordinis per *Angl.* conſtitutis, ſalutem. Diſcretionem veſtram nequaquam credimus ignorare, qualiter Rex *Franciæ* rupta fide fœderis & pacis inter nos initæ, contra multimoda Juramenta ſua et Cartas, nos nititur inſeſtare, & terras noſtras ad deſtructionem & direptionem ſecus quam deberet exponere. Unde quia ad defenſionem capitis, æquum eſt univerſalem membrorum ſubventionem accurrere; Univerſitatem veſtram rogandam duximus, quatinus vos qui de bonis et largitionibus prædeceſſorum noſtrorum fundati eſtis et ditati, ad tanti hoſtis propulſandam violenciam, gratuitum nobis et efficax conferatis auxilium. Ita quod vobis inde debeamus grates condignas impendere, & in hiis quæ à nobis duxeritis expetenda devotionem veſtram [a] Pat. 4 Johan. ſub nu 10.

An. 4 Johan. *Regis.*

stram benignius expedire; Scituri pro certo, quod nos hujusmodi subventionem a vobis imposterum faciendam in consequentiam non trahemus, immo et vestra favorabiliori tuitionis præsidio manutenere curabimus et fovere. Et quid in hac parte duxeritis efficere, id nobis per dilectum & fidelem Clericum nostrum *S.* Præpositum *Beverlaci*, quem ob hoc ad vos specialiter duximus destinandum, quam citius scire faciatis: Cui etiam in his quæ vobis ex parte nostra proponet fidem plenam adhibeatis. Teste meipso apud *Ar.* 11 die *Decembris.*

He also writ Letters in this form to the Abbots of the *Cistercian* Order throughout the Province of *York*, to lend him monies upon this occasion, which he promised to repay them.

Pat. 4 Johan. m. 12. vel 13.

REX, *&c.* Universis Abbatibus de Ordine *Cisterciensi* per Provinciam *Eborum* constitutis, *&c.* Satis nostis sicut norunt universi, qualiter Rex *Francia* contra pacem inter nos factam, & Juramento & Cartis confirmatam, nos aliter quam deceret impugnat, & qualiter ad exhæredationem nostram omnibus modis aspirat. In hac autem necessitate tam vestram quam aliorum fidelium nostrorum nullatenus debet vel potest deesse subsidium. Rogamus igitur vos quatinus sicut nos & honorem nostrum diligitis, de pecunia ad opus nostrum mutuo querenda, sic, & cum tanta diligentia vos intromittatis, ut vestram diligentiam nobis sentiamus fructuosam. Et vobis in agendis vestris cum opus habueritis benignè & efficaciter subvenire debeamus; et nos dictam pecuniam in terminos quos statueritis integre persolvi faciemus, et in hujus rei testimonium has literas nostras patentes fecimus. Teste meipso apud *Bonum Portum*, 6 die *Julii.*

Sub eadem forma scribitur Abbatibus ejusdem Ordinis per Provinciam *Cant.* exceptâ hac clausulâ post, faciemus: Et inde Dominum *Cant.* & *G.* fil. *Petri* Justic. nostrum fidejussores constituimus; & in hujus rei, *&c.*

What success these Letters had with these exempt covetous Abbots, I cannot resolve; only I read, that this year, * Innocentius *Papa*, *cum ab Ordine* Cisterciensium *infinitam pecuniam ad iter Crucesignatorum*, ut dicit, ad occultandam suam avaritiam *violenter exigeret*, a beata Maria, ejusdem Ordinis advocata, nimis acriter coercitus, ab hac quievit exactione, timore percussus. To which intended voyage all others contributed the 40th part of the Rents of all their Churches. *ad instantiam* Innocentii *Papæ*, when these *Cistercians* went scot-free.

* Mat. Westm. An. 1101 p. 77. Mat Paris, pag 200.

The same year the Church and City of *Rhoan* being consumed with fire, King *John* granted them his Letters Patents for a liberal contribution throughout *England* towards the repair of that Church, principally for the Virgin *Maries* sake, to whom it was dedicated, then †adored more than God himself: Of whose Image at *Sardenay*, and the oyl dropping out of it curing most diseases, yea turning into flesh and bloud, and of fleshy Paps growing out of this her idolized Image; you may read at large in * *Matthew Paris*, if you dare credit the Miracle.

† See Tom. 2. p. 13 to 64.

* Hist. Anglix, An. 1204. p. 201, 202, 203. Mat. Westm. p. 80.

Pat. 4 Johan. m. 8.

REX, *&c.* Omnibus, *&c.* Ad vestram credimus noticiam perveniisse, qualiter Ecclesia *Rothomagensis*, Mater Ecclesiarum *Normanniæ* & Magistra, cum tota Civitate flammis irruentibus sit eversa. Nos autem tenerè diligimus & sincerè, tum quia fratrum & amicorum nostrorum sepultura nobis eam venerabilem imperpetuum commendat, tum quia floret in ea beneficium Sanctorum, quorum meritis Regni nostri & honoris prosperitas augeatur. Ea propter vos rogamus & exhortamur in Domino, quatinus nuncios ejus cum ad vos venerint benignè recipere, & efficaciter audire velitis, & eleemosinas vestras ad reparationem ejus intuitu Dei et beatæ Virginis, in cujus honore dedicata est, transmittere velitis formam & exemplum nostris subditis nobiscum pariter tribuentes, qui ei juxta Regiæ dignitatis munificentiam subvenimus. Talem igitur ad preces nostras eisdem Nuntiis liberalitatem impendatis, ut de impensa vestra merito nostras preces sibi gaudeant affuisse, & nos debeamus vestram devotionem in Domino commendare. Prohibemus autem ne quis prædictis Nunciis injuriam inferat vel gravamen, & si quis eis in aliquo forisfecerit, id eis sine dilatione faciatis emendari. Et duret ista prædicatio à die Purificationis beatæ *Mariæ* Regni nostri anno quarto, in duos Annos. Teste meipso apud *Rothomagum*, 16 die *Octobr.* *The first Patent of such a Collection I have yet met with.*

Page 243. l. 11. King *John* having by his special Charter granted to *William* Bishop of *London* (though he had Parks of his own) the *Tithe of all his Venison* taken in *Essex* for his own use; issued this Patent to his Foresters to see it duly executed.

REX

[a] REX, *&c.* Omnibus Foreſtariis *Eſſex*, ſalutem. Præcipimus vobis, quod ſine impedimento faciatis habere venerabili Patri noſtro in Chriſto Domino *W. London* Epiſcopo, decimam venationis quæ capietur ad opus noſtrum in *Eſſex*, ſecundum tenorem Cartæ noſtræ quam inde habet, et prohibemus ne ſuper hoc verationem aut moleſtiam faciatis aliquam, aut fieri permittatis. *An.* 6 Johan. *Regis.* [a] Pat. 6 Johan. m. 10. nu. 25.

How ill this Beaſt of the Foreſt and fleſhly undutifull Prelate requited him for this ſpecial favour, in *interdicting his whole Realm*, and inciting the Pope to *excommunicate* and *deprive him of his Crown*, I have at large related in my * *Second Tome.* On whoſe behalf King *John* this year, as ſupreme Protector of the Church and Churches poſſeſſions, iſſued this Writ to ſeveral Sheriffs, to prohibit any perſon to intrude himſelf into any the Lands of this Biſhop of *London* or his Church without his licenſe or aſſent, and to remove all ſuch who had ſo intruded, out of poſſeſſion. * See there, p. 253, 268, &c.

REX, *&c.* Juſtic. Vicecom. *&c.* Sciatis quod nos prohibuimus ne aliquis mitteret ſe in feodum venerabilis patris noſtri in Chriſto *W. London.* Epiſcopi, vel in feodum Eccleſiæ ſuæ abſque aſſenſu & voluntate ipſius Epiſcopi, vel exempto vel vadio; Et adhuc prohibemus, ne aliquis de cætero in feodum ipſius Epiſcopi ſe ſic mittat; undè vobis mandamus & firmiter præcipimus, quod ſi aliquis inveneritis qui ſe abſque aſſenſu & voluntate præfati Epiſcopi in feodum ſuum vel Eccleſiæ ſuæ ità miſerit, et contra prohibitionem noſtram venerit, ipſum à feodo illo ſine dilatione expellatis, & omnem vim amoveatis, ita quod juſtitia noſtra in hac parte firmiter obſervetur, et prædicto Epiſcopo feodum illud in bona pace habere faciatis, ut inde facere poſſit quod facere debebit. Teſte *G.* filio *Petri*, apud Turrim *London.* tertio die *Novembris*, Anno, *&c.* ſexto. Pat. 6. Johan. memb. 10.

What favour and juſtice he likewiſe expreſſed to the Biſhop of *Chicheſter*, in aſſiſting him to recover all things alienated from his Church, in his own or the Kings Courts by the aſſiſtance of his Juſtices, this Patent will demonſtrate.

REX, *&c.* Omnibus, *&c.* Sciatis nos conceſſiſſe venerabili patri noſtro in Chriſto *Simoni Ciceſtrienc.* Epiſcopo liberam & plenam poteſtatem per has literas noſtras patentes, revocandi in Curiam ſuam per judicium Curiæ ſuæ, omnia alienata ab Epiſcopatu ſuo; Et ſi quæ loquelæ in Curia ipſius Epiſcopi motæ authoritate literarum iſtarum, tales fuerint, quod Curiam ſuam inde noluerit ponere in Curia noſtra ad habend. aſſenſum Juſtic. noſtrorum de judicio inde faciendo; concedimus quod eis in Curia noſtra ponat; præcipientes quod cum Juſtic. noſtri ſuper hoc requiſiti fuerint, non expectato alio mandato, ad audiendas loquelas illas & terminand. diligenter intendant, ſalvis in omnibus prædicto Epiſcopo miſericordiis & aliis inde provenientibus. Teſtibus Domino *H. Cantuar.* Archiepiſcopo, *G.* fil. *Petri* Com. *Eſſex.* Comite *W. Mareſcallo* apud *Oxoniam*, tertio die *Auguſti*, anno regni noſtri ſexto. Pat. an. 6 Regis Johan. m. 10.

How ungratefully this undutifull treacherous Biſhop likewiſe recompenſed him for this favour, in interdicting his Realm, and inſtigating the Pope to excommunicate and deprive him, enforcing him to reſign his Crown, I have * elſewhere related. * Tom. 2. pag. 253. to 280.

The King having granted the Patronage of the Chappel of *Boſcham* within the Dioceſſe of *Chicheſter*, to the Biſhop of *Exon* and his Succeſſors, he thereupon claimed it to be exempt from the Biſhop of *Chicheſter*'s former Juriſdiction: whereupon the King declared the contrary by this Patent, though he might have ſpecially exempted it from his Diocœſan Juriſdiction and Viſitation, had he pleaſed, as afterwards it was exempted. Pat. 6 Johan. Regis, m. 10.

REX, *&c.* Omnibus, *&c.* ſalutem. Licet Domino *Exon.* Epiſcopo quantum ad patronum pertinet dederimus Capellariam noſtram de *Boſcham*, nunquam tamen prætencionis aut propoſiti fuit dictam donacionem facere eo intuitu ut Juri Dioceſani Epiſcopi et Eccleſiæ *Ciceſtrienſis* in Eccleſia de *Boſcham* & ejus pertinenciis in aliquo præjudicaret, ſed ut ſalvum ſit eis jus ſuum in omnibus, id per præſentes literas noſtras patentes duximus proteſtandum. Teſtibus *W.* Comite *Sarum*, *Warino* fil. *Geroldi*, *Hugone* de *Nevill* apud *Newton* 27 die *Jan.* anno regni noſtri ſexto. Pat. 6 Johan. m. 10. n. 29.

How pious this King was, in offering one Ounce of *Gold* to GOD every Lords-day and Holiday, which the Archbiſhop of *Canterbury* then offered and diſburſed for him, or claimed as his fee, being allowed it in the Exchequer upon his account, theſe Records beſides others will inſtruct us.

REX,

An. 5 & 6 Joh. *Regis.*

Clauſ. 6 Johan. Regis, memb. 12.

REX, *&c.* Baronibus de Scaccario, *&c.* Computate Domino *Cantuar.* Archiepiſcopo in debito quod nobis debet, debita ſubſcripta quæ ei debemus de oblationibus noſtris quæ aretro ſunt; ſcilicet de die Sancti *Johannis Baptiſtæ*, anno regni noſtri ſexti 1 unciam Auri, de die Apoſtolorum *Petri* & *Pauli* proximò ſequenti 1 unciam Auri, de die Sancti *Petri ad vincula* proximò ſequenti 1 unciam Auri, de die Aſſumptionis beatæ *Mariæ* proximò ſequenti 1 unciam Auri, de die Nativitatis proximò ſequenti 1 unciam Auri, de die Sancti *Michaelis* proximò ſequenti 1 unciam Auri, de die *Omnium Sanctorum* ſequenti 1 unciam Auri. Teſte meipſo apud *Weſtmonaſterium*, primo die *Novembris.* *And*, Ibid. m. 22. nu. 228. Faciatis etiam ei computari in debito quod nobis debet debita ſubſcripta, quæ eis debemus de oblationibus noſtris quæ aretro ſunt; ſcilicet de die *Dominica in ramis Palmarum* anno regni noſtri quinto 1 unciam Auri, de die *Paſchæ* prox. ſequenti 1 marc. Auri, de die *Aſcenſionis Domini* prox. ſequenti 1 unc. Auri. Teſte meipſo apud *Mereton*, 14 die *Junii.*

An. 5 Johan. *Regis.*

Ibid. m. 11.

Tom. 2. p 241. l. 8. after *Conſtitutis*, ſubjoyn; This year the men of *Holderneſs* refuſing to pay their *Traves* due to S^t. *John* of *Beverly* out of their ploughed lands to the Farmer of them, as they did to the Provoſt and Chapter before, the King by his Prerogative iſſued this Writ to the Sheriffs of *York* to ſeiſe the perſons and goods of thoſe the Provoſt and Chapter ſhould excommunicate, and detain them till payment, ſince he and his Tenants duly payd them out of his and their demeſnes.

Pat. 5 Johan. Regis, mem. 5.

REX, *&c.* Juſtic. *Angl.* & Vicecomitibus *Ebor.* ſalutem. Mandavimus omnibus hominibus de *Holderneſs*, firmiter præcipientes, quod ſine contradictione & difficultate reddant de Carrucis ſuis ad hoſtia Grangiarum ſuarum travas Sancti *Johannis Beverlac.* per manum propriam, vel ſervientium ſuorum, ſicut facere ſolebant antequam travæ illæ datæ eſſent ad firmam, cum & ſic nos faciamus de Dominicis noſtris in *Waldo*, & homines de *Waldo* ſimiliter tam in Dominicis noſtris quàm alibi; quod ſi non fecerint; mandamus vobis & præcipimus, quatinus vos vel alter veſtrum qui prius indè requiſitus fuerit, eorum corpora et catalla capi faciatis, quos Præpoſitus & Capitulum *Beverlac.* vobis propter hoc denunciarunt excommunicatos, et tamdiu incarceratos, ſecundum conſuetudinem *Angliæ* et libertatem *Beverlac.* Eccleſiæ teneri faciatis, donec prædictis Præpoſito et Capitulo inde fuerit plene ſatisfactum. Teſte Domino *W.* Arch. *Roth. W.* Com. *Arundel*, *W. de Fraanos* apud *Roth.* 9 die *Novembr.* Anno regni noſtri quinto.

An. 6 Johan. *Regis.*

Clauſ. 6 Johan. Regis, m. 6.

Geofry Fitz-Peter the Kings Chief Juſtice and Counſellor having formerly taken the Croſs upon him for the Holy land, being ſummoned by the Pope to go in that ſervice, King *John* becauſe he could by no means ſpare him in regard of the preſent ſtate of his affairs and Realm, by reaſon of wars and inſurrections, ſent this Letter to the Pope to reſpit his voyage thither for 4 or 5 years.

REverendiſſimo patri in Chriſto, *&c. J.* Dei gratia ſummo Pontifici, *&c. J.* Dei gratia Rex *Angl.* &c. & debitam ac devotam in omnibus reverentiam. Quoniam in tali ſumus ſtatu, quod grave eſſet nobis fideles noſtros qui nobis familiarius adhærent, et de quorum fidelitate non dubitamus, et per quorum conſilium terra noſtra regi debet et defendi, maxime quia dies mali ſunt, et de die in diem viſum fuit tranſfugis fraudulenter et dolose a fidelitate et ſervicio noſtro recedere, et in nos inſurgere, per quod ſtatus terræ noſtræ, ſicut novit Sanctitas veſtra, turbatur. Excellentiæ veſtræ, ea qua poſſumus devotione ſupplicamus, quatinus habita conſideratione ad ſtatum noſtrum, differre velitis uſque ad quatuor vel quinque annos peregrinationem dilecti et fidelis noſtri *G.* fil. *Petri* Juſtic. noſtri Cruceſignati, cujus præſentia nobis et terræ noſtræ ita eſt neceſſaria quod eo nullatenus carere poſſumus, et nos, Domino dante, tam ipſum quam alios Cruceſignatos in terr. *Jeruſal.* mittemus ſicut terræ redierint; moveat igitur et ad hoc inducat paternitatem veſtram ſtatus noſtri conditio, ita quod vobis proinde merito grates ſcire debeamus. Teſte meipſo apud *Winton.* 14 die *Novembris.*

Tom. 2. pag. 243. lin. 11. after *age*, ſubjoyn; I find by theſe three Writs in the Clauſ-Roll of *Anno* 6 of King *John*, that as the King ſeiſed the Biſhop of *Yorks* Temporalties, and impriſoned two of his ſervants for denying and oppoſing the Sheriff of *York* in levying in his *Eſcuage*; ſo upon his ſubſequent ſecurity to pay it, he ordered his Temporalties to be reſtored, and that he might levy *Eſcuage* from his Te-

nans

nants by Knights ſervice, and enlarged his ſervants upon bayl to appear and render themſelves to Juſtice before him when he ſhould come into thoſe parts. *An.* 6, 7 & 8 Joh. *Regis.*

PRæceptum eſt Vicecomiti *Glouc.* quod faciat habere Domino *Eborac.* Archiepiſcopo plenariam ſeiſinam de omnibus terris ſuis in Balliva ſua cum pertin. quæ ſeiſitæ fuerunt in manum Domini Regis, occaſione ſcutag. quod ipſe debet Domino Regi. Per Juſtic. Clauſ. 6 Iohan. Regis, memb. 14.

REX, *&c.* Vicecomiti *Leyceſtr.* &c. Præcipimus tibi, quod ſi Archiepiſcopus *Eborac.* te ſecurum fecerit reddendi ſcutagium quod ipſe nobis debet, tunc diſtringas omnes Milites & liberè tenentes in Balliva tua, quod ſine dilatione ei reddat ſcutagium quod ei facere debent, & facere conſueverunt de tenementis quod ipſi de eo tenent. Teſte *G.* filio *P.* apud *Waltham* 13. die *Octobris.*

REX, *&c.* Vicecomiti *Eborac.* &c. Præcipimus tibi, quod replegiari facias per bonos et ſecuros pleg. Domino Archiepiſcopo *Eborac. Warinum* et *Mall.* homines ſuos qui ſunt in priſona noſtra, ita quod eos habeat coram nobis cum venerimus in partes illas ad ſtand. recto in eo ſtatu quo modo ſunt. Per *G.* fil. *Petri.*

Moreover King *John* out of his piety, to prevent prophaneſs of the Lords-day, the ſame year removed the Market of *Launceſton* from the Lords-day, whereon it was formerly kept, to the Thurſday, as this Record atteſts. *An.* 7 Johan. *Regis.*

HOmines de *Lanſtaveton* dant 5 marc. per ſic, quod Mercatum de *Lanſtaveton* quod eſſe ſolet per diem Dominicum, ſit per diem Jovis. Ita tamen quod non ſit ad nocumentum vicinorum Mercatorum. Et mandatum eſt Vicecomiti, quod ſic ita faciat. Rot. Fin. 7 Ioh pars 1. m. 12. Cornub.

King *John* ſending for the Prior of *Bath* and Canons of *Wells*, who differed about the election of their Biſhop, in the ſeventh year of his Reign, to the Court at *Nottingham*, and after that to *Windſor*, to make an election of a new Biſhop, where they attended the Kings leiſure, and at laſt elected * *Joceline*, whom he recommended; (who yet afterwards proved a Traytor to him, *interdicting* the Realm and flying out of it to *Rome* with other Biſhops who joyned with him in that *Interdict*) he allowed them twenty Marks out of the Temporalties of the Biſhoprick for their expences, as this Writ teſtifies; and for their Committees entertainment of him one night at *Glaſton* and another night at *Pilton*.

* See Godwins Catalogue of Biſhops, pag. 296. Heic, Tom. 2. pag. 253.

REX, *&c.* Baronibus, *&c.* Computate *H.* Archid. *Wellen.* & *W.* de *Wrotham* Archid. *Tanton.* Cuſtodibus Epiſcopatus *Bathon.* de exitibus Epiſcopatus *Bathon.* xx. marcas, quas liberaverunt Priori *Bathon.* et Canonicis *Wellenſis* Eccleſiæ, ad expenſas ſuas veniendo ad nos apud *Notingh.* et apud *Windleſore*, et in mora eorum in Curia noſtra ad electionem Epiſcopi faciendam; & *xxv.* ſol. liberatos Magiſtro *Rogero* nepoti Decani *Well.* de termino Sancti *Mich.* & *xxv.* ſol. liberatos *Thomæ Turnay* de eodem Termino, & *xij. ſ. vj. d.* liberatos *Herveo de Traſcy* de eodem termino de prebendis ſuis, quas habuerunt ante tempora *S.* quondam *Bathon.* Epiſcopi, & *xiij. l.* & *xviij. ſ. iij. d.* & ob. in expenſa noſtra apud *Glaſton* per unam noctem, & apud *Pilton* per aliam noctem, & *xl. d.* liberatos *H.* Archid. *Wellenſi* de redditu ſuo antiquo de *Glaſton.* Teſte meipſo apud *Windleſore* 4 die *Novembris.* Clauſ. 7 Iohan. Regis, m. 10.

King *John* being informed that his Archbiſhops, Biſhops and Clergy intended to hold a Council at Saint *Albans* by the authority and command of Pope *Innocent* the third, about the payment of *Romeſcot* againſt cuſtom, and ſundry other unuſual exactions, to the great deſtruction not only of the Laity, but of the whole Realm, and derogation of his prerogative Royal, in ſummoning *Councils* within his Realm, notwithſtanding the reverence he bare to his faith and the Pope, upon complaint thereof by his Nobles and people, iſſued this memorable Prohibition to them, expreſly forbidding them upon their Allegiance, not to hold any *Council* there by the Popes or any other authority, nor to conſult or treat of thoſe things, nor to act or ordain any thing againſt the cuſtom of the Realm, as they endred him or this honour, or tranquillity of the Kingdom, until he conferred with the general Counſil of his Realms about it.

REX Archiepiſcopis, Epiſcopis, Abbatibus, Archid. et omni Clero apud S. *Albanum* ad Concilium convocato, ſalutem. Conquerente univerſitate Comitum, Baronum, Militum et aliorum fidelium noſtrorum audivimus, quod non ſolum in laicorum gravem perniciem, ſed etiam in totius regni noſtri intollerabile diſpendium ſuper *Romſcote* præter conſuetudinem ſolvendo, et aliis pluribus inconſuetis exactionibus, auctoritate ſummi Pontificis conſilium inire; et Concilium celebrare decrevitis; Nos vero licet ob honorem fidei noſtræ, et debitum reverentiæ quam *An.* 8 Johan. *Regis.* Pat. An. 8 & 9 Ioh. Regis, num. 3.

An. 8 & 9 Joh. *Regis.*

Sanctæ *Romanæ* Ecclesiæ impendere tenemur, voluntati ejusdem patris nostri Domini Papæ *Innocentii* optemperare cupiamus, tamen omittere non possumus quin querelis fidelium et subditorum nostrorum clamantium, et de factura sua sibi timentium, prout necesse est, subveniamus, et emergentibus causis quæ indemnitati pacis et unitatis regni nostri obviare possunt, qua decet celeritate et diligencia occuramus. Vobis igitur præcipe mandamus, et expresse prohibemus, ne super prædictis, vel aliquibus aliis Concilium aliquod auctoritate aliqua, in fide qua nobis tenemini, teneatis, vel contra regni nostri consuetudinem aliquid novum statuatis, set sicut nos et honorem nostrum, et communem regni tranquillitatem diligitis, a celebracione hujusmodi Concilii, et a prædictis tractatibus ad præsens supersedeatis, quousque cum universitate nostra super hoc colloquium habuerimus: Scientes pro certo, quod expediet honori Sanctæ *Romanæ* Ecclesiæ, et Domino Papæ, et nobis et vobis, quod istud ad præsens negotium differatur, donec generalem habuimus conferenciam quomodo possit commodius et honestius explicari: et quod vobis hæc mandamus, pro honore et commodo sacrosanctæ Ecclesiæ, et nostro, et regni nostri ita facimus: Quia talia audivimus, quod hæc ita fieri necessario expedit, sicut vobis dicemus cum vobiscum locuti fuerimus. Teste meipso apud *Ebor.* 26 die *Maii.*

See Mat. Paris, Hist. Angl. p. 281.

The Archbishops, Bishops, Abbots, Priors and Great men of *England* having granted King *John* an Ayd for defence of the Realm against his enemies, and recovery of his Rights in *France*, sent this Writ to the Archdeacons, Official, and all the Clergy of the Province of *Canterbury* to do the like, and each of them to set down the particular summ he would give.

Pat. 8 & 9 Iohan. Regn. 2.

REX Archid. et Officiali, et toto Clero Archiepiscopatus *Cantuar.* salutem. Notis satis quod Archiepiscopi, Episcopi, Abbates, Priores, & Magnates regni nostri auxilium nobis fecerint ad defensionem regni nostri, et recuperationem terrarum nostrarum; verum quia de vobis confidimus, quod nos et honorem nostrum diligitis, et defensionem regni nostri, et recuperacionem terrarum nostrarum affectatis, vos roganus attencius, quatinus tale auxilium nobis exemplo vestro ex parte nostra faciatis, ut inde grates vobis scire debeamus; et quod alii rectores Ecclesiarum vicini vestri ad auxilium nobis faciendum exemplo vestro facilius invitentur. Et quantitatem auxilii quod nobis quilibet vestrum facere voluerit, quilibet vestrum separatim inbreviari faciatis; Ita quod per ipsos infra Octabas sanctæ *Trinitatis* inde possimus certificari. Teste meipso apud *Ebor.* 26 die *Maii.*

* See Tom. 2. p. 240, 241.

King *John* having seised and detained in his hands the Temporalties of the Archbishoprick of *Armach* in *Ireland*, for that the Archbishop was * elected without his license, against his will, and Appeal; two Monks coming to him, proffering him 300 Marks a year in Silver, and 3 Marks a year in Gold for to have the lands, liberties and rights thereof; he returned them to his Chief Justice there, to do what was fitting in it, by this Writ.

Pat. 8 & 9 Iohan. m. 3. dorso.

REX Justic. *Hibern.* &c. Sciatis quod *Benedictus* Monachus, & Frater *Giraldus de Mellifonte* venerunt ad nos, et obtulerunt nobis pro Archiepiscopo *Armach.* ex parte sua CCC. marc. argenti, et tres marc. auri, pro habendis terris et libertatibus quæ recognitæ fuerunt esse jus Ecclesiæ *Armach.* coram *Hamone de Valoniis*, quondam Justic. *Hiberniæ*; unde vobis mandamus, quod faciatis inde secundum statum terræ nostræ, & secundum quod tempus se habet, sicut nobis videritis expedire. Et sciatis, quod mandavimus *Hugoni de Lascy*, quod faciat de terris prædictis id quod ei ex parte nostra dicetis. Teste Domino *P. Wint.* Episcopo apud *Cliton.* 30 die *Augusti*, anno regni nostri 8.

John Reumond coming from *Rome* to lay claim to a Prebendary in *Hastings*, sued to the King for his license and safe conduct to come into and return from *England*; which he granted upon this condition, that upon his arrival he should give security, that he came hither for no ill to the King, nor for any other business but that Prebendary.

Pat. Annis 8 & 9 Iohan. Regis, m. 5.

REX omnibus, *&c.* Sciatis quod dedimus *Johanni Reumond* licenciam & salvum conductum veniendi in *Angliam* propter Præbendam de *Hasting*, quam dicit esse suam, & revertendi, data securitate ubi applicuerit, quod propter malum nostrum non veniet in *Angliam*, nec propter aliud quam propter Præbendam illam. Et duret conductus iste a die Sancti *Johannis Baptistæ* in 15 dies. Anno regni nostri 8. Et in hujus rei testimonium, *&c.* Teste Comite *G.* filio *Petri* apud *Winton.* 14 die *Maii.*

The like license he granted to the Archbishops brother *Simon Langton*, upon the same and stricter conditions.

REX

REX Magiſtro *Simoni de Langeton*, ſalutem. Sciatis quod conceſſimus, quod vos et veſtri qui vobiſcum venient, Salvo veniatis in *Angl.* ad loquendum nobiſcum, ſicut continetur in literis noſtris patentibus de Conductu quas vobis mittimus; Ita tamen, quod coram Abbate de *Binedon* ſecuritatem faciatis, quod nec vos, nec veſtri qui vobiſcum venient, aliquid facietis in hac citincre in terra noſtra, per quod aut nobis, aut regno noſtro malum aut dampnum poſſit evenire, et quod tantum de loquela quæ eſt inter nos et fratrem veſtrum tractabitis, et de nulla alia. (*So ſuſpitious was the King of all Nuncioes and others coming from* Rome, *that they had ſome ill deſigns to the hurt and damage of him and his Kingdom, which he had then found by wofull experience.*) *An.* 8 & 9 Joh. *Regis.* Clauſ. 9 Joh. Regis, m. 8.

What allowances the King made this year to his Chancellor for Gold for his Oblations, this Record will inform us.

REX *W.* Theſaurario, & *G.* & *F.* Camer. *&c.* Liberate de Theſaur. noſtro dilecto & fideli noſtro *W. de Gray* Cancellar. noſtro pro Oblationibus noſtris quæ ei aretro ſunt; ſcilicet de die *Omnium Sanctorum*, anno regni noſtri nono, 15. ſol. pro una uncia Auri; de die *Natal. Domini* proximo ſequenti, 18. marc. pro duabus marc. Auri; de die *Circumciſionis Domini*, 15. ſol. pro una uncia Auri; de die *Epiphan. Domini*, 15. ſolid. pro una uncia Auri. Teſte meipſo apud *Lambh.* 22 die *Jan.* anno regni noſtri nono. *Per Rich. de Mariſco.* Ibid. m. 9.

Tom. 2. p. 246. l. 28. after *aſſent*, adde; This appears to be the buſineſs, by this memorable Letter ſent by King *John* to the Pope by ſpecial meſſengers, to claim and juſtifie this antient undoubted right which he and his Royal anceſtors enjoyed, to provide and prefer Archbiſhops and Biſhops to the See of *Canterbury* and all other Cathedrals, atteſted by the Letters of the Biſhops of *England* and other credible perſons, deſiring him to preſerve the rights of the Church and Realm of *England* entire and inviolable by his fatherly proviſion.

SAnctiſſimo patri & Domino *J.* Dei gratia ſummo Pontifici, *J.* eadem gratia Rex *Angl.* &c. Deſtinamus ad pedes Sanctitatis veſtræ latores præſencium nuncios noſtros, attencius rogantes, quatinus dignitates noſtras quas nos et anteceſſores noſtri habuimus ſuper provisionibus tam Eccleſiæ *Cant.* quam aliarum cathedralium ſedum, quod vobis per litteras Epiſcoporum *Angliæ* et aliorum fide-dignorum conſtare poterit, integras et illæſas conſervare velitis, et Eccleſiæ *Anglicanæ* et regno in arto conſtitutis paterna provisione providere. Teſte *G.* filio *Petri* Comite *Eſſex.* apud *Portc.* 26 die *Maii.* Pat. 8 & 9 Johan Regis; m. 18.

Who the Nuncioes were the King then ſent, what ſumms of money he allowed them to take up from Merchants, and how to ſecure their payment, theſe following Records will fully inform us; by the latter whereof it will appear what their expences, bribes, penſions payd to the Popes and Cardinals Nephews and Officers at *Rome*, were, in that and their former journey thither. Pat. 8 & 9 Johan. Regis, n. 5. m. 3.

REX omnibus Mercatoribus, *&c.* Sciatis quod quicumque accommodaverit dilecto & fideli noſtro *H.* Abbati de *Bello loco*, quem pro negociis noſtris ad Curiam *Romanam* mittimus, pecuniam uſque ad ſummam *xl.* marcarum, nos ei vel certo nuncio ſuo litteras iſtas ad nos deferenti cum litteris ipſius Abbatis præſtitum id teſtificantibus, pecuniam illam perſolvemus, & ad hoc per has litteras noſtras patentes nos obligamus. Teſte *P. Winton.* Epiſcopo apud *Niorc.* 25 die *Auguſti*, anno, *&c.* 8.

REX omnibus Mercatoribus ad quos, *&c.* Sciatis quod quicumque mutuo tradiderit *H.* Abbati *Belli loci*, & *Thomæ de Ardinton*, & *Amfredo de Dene*, nunciis noſtris, quos miſimus ad Curiam *Romanam* pro negociis noſtris, quingentas marcas; nos ei vel nuncio ſuo has litteras noſtras referenti una cum litteris prædictorum nunciorum teſtificantibus ſummam illius mutui, eas plenè perſolvemus; & ad hoc nos obligamus per has litteras noſtras patentes. Teſte Domino *P. Winton.* Epiſcopo apud *Rokingham* 20 die *Febr.* anno regni noſtri 8. Et injunctum eſt *Thomæ de Ardinton* & *Anfredo de Dene*, qui habent in hac forma quatuor paria Cartarum, ſingulas de D. marcis; ita quod per totum ſunt M. M. marcæ: quod nichil inde expendant ſicut diligunt corpora ſua, ante conſummacionem negocii pro quo remittuntur ad Curiam: Et debent reddere Juſtic. Cartam de M. marcis de proprio Itinere ſuo, in quo tulerunt Cartas de M. M. M. marcis, et non expenderunt per totum niſi M. M. marcas, et 25. marc. vacatis inde 30. marc. de uno anno de feodo *P.* fil. *Ric.* fratri Domini Papæ, et *O. Hannibal* 60. marc. et ad dict. termin. caſſand. de 50. marc. et nepoti Domini *Port.* de 20. marc. Et præceptum eſt Juſtic. quod Cartam illam affec- Quatuor Cartæ miſſæ ad Cur. Roman. pro mutuo, M. M. marcarum, per Tho. de Ardinton & Anfredum de Dene.

An. 9 Johan. *Regis.*

rat Regi; & præceptum est *Thomæ de Hardinton* quod Cartam nepotis Domini *Port.* quæ liberetur antequam, nomen inserebatur, (afferat) quoniam nomen nesciebatur cum Carta scripta fuit.

The King granted this license to the Executors of the Bishop of *Chichester* to administer his moveables according to his Testament under seal, except the stock, chattels and goods on his Temporalties, and one Legacy.

Clauf. 9 Johan. Regis, m. 14.

REX Magistro *Roberto* de *Glouc.* &c. Custodibus Episcopatus *Ciceftr.* &c. Mandamus vobis quod permittatis, quod executores Testamenti Domini *H.* Episcopi *Ciceftr.* exequant Testamentum ipsius juxta tenorem autentici scripti sui à quo sigillum suum dependet, de rebus suis mobilibus; salvis instauris, et aliis catallis et rebus quas invenit in eadem Episcopatu, et salvis centum marcis quas legavit pro anima Domini *H.* quondam Archiep. *Cant.* Teste meipso apud *Herpet*, 16 die *Septemb.*

Tom. 2. p. 254. l. 22. after *Worship*, adde; Amongst others, I find these Writs of the King for seising, sequestring and committing all the Mannors, Lands, Chattels and goods of the Bishop of *Coventry*, Abbots, Priors, Religious persons and Monks within the County of *Derby*, and all the lands of the *Templers*, for submitting to the Popes and Bishops Interdict of the Realm, and not celebrating Divine service, as the King enjoyned them.

Clauf. 9 Johan. Regis, m. 4.

REX Vicecomiti *Derby*, salutem. Præcipimus tibi quod liberes *Thomæ de Ardinton* omnia maneria Episcopi *Coventr.* quæ sunt in Balliva tua, cum omnibus in eis inventis, et omnes terras et res Abbatum, Priorum, Religiosorum et Clericorum de Balliva tua, ad faciend. inde præceptum nostrum; ita tamen quod nobis scire facias quæ ei liberaveris, & quæ receperit. Teste meipso apud *Cler.* 21 die *Marcii.*

Ibidem.

REX, *&c. G. de Atyes, &c.* Sciatis quod comisimus *G.* fil. *Petri* Justic. nostro, omnes terras, redditus et res fratrum Militiæ Templi in *Angl.* quæ seisiti fuerunt in manum nostram, occasione interdicti; Quia ipse nobis inde respondebit: & ideo tibi præcipimus quod omnia prædicta in Balliva tua ei habere facias. Teste meipso apud *Sutton* 9 die *Aprilis.*

Moreover, he commanded all the Prebendaries of the *Romans*, *Lombards* and *Cardinals* to be seised; and ordered the Farmers to pay their Rents to him, or where he should appoint, at the terms reserved in their Leases, as these Writs assure us.

Cl. 9. Johan. Reg. m. 3.

REX *Roberto de Veteri Ponte*, &c. Sciatis quod concessimus quod Præbendæ *Romanorum* et *Lombardorum* in Ecclesia *Eborum*, liberentur Firmariis qui eas tenuerunt, ad respondendum nobis, vel ubi illos attornabimus de firmis quas inde reddere consueverunt, et ad eosdem terminos ad quos illas reddere solebant. Et ideo vobis mandamus, quod accepta securitate à prædictis Firmariis de firmis illis reddendis, nobis vel ubi illas attornabimus ad terminos ad quos illas reddere solebant, prædictas præbendas illis liberari faciatis, et illos eas bene et in pace per prædictas firmas tenere permittatis. Teste meipso apud *Notingh.* 15 die *Augusti.* Per ipsum Regem.

Cl. 9 Johan. Regis, m. 15.

REX *Briano de Insul.* Mandamus vobis quod permittatis Priorem de *Novo loco* tenere Præbendam de *Exston* ad firmam, sicut eam tenuit de *Gregorio* Cardinali *Romano*; ita tamen quod nobis de firma illa respondeat. Teste meipso apud *Ludeham*, 14 die *Augusti.*

Tom. 2. p. 254. l. 52. after *respondebat*, add; On the contrary the King likewise issued this Writ for the restitution of the Lands, rents; and protection of the persons and goods of the Bishop of *Bath*, his Canons, Monks and Clerks, who conformed to his Royal *Writs* and commands, and said Divine Service notwithstanding the Popes *Interdict.*

Clauf. 9 Johan. Regis, m. 3.

REX *G. de Aties*, &c. Scias quod reddidimus Venerabili patri nostro *J. Bath.* Episcopo omnes terras & tenementa, redditus & prisones quæ ad ipsum & Cathedrales Ecclesias suas pertinent. tam Canonicorum quam Monachorum, & omnes terras & tenementa, redditus & prisones eorundem Canonicorum & Monachorum, & etiam Clericorum qui de advocatione ipsius Episcopi, vel prædictorum Canonicorum, Monachorum & de feudis suis tenentur, adeo integrè cum omnibus pertinentiis suis, sicut ea habuerunt ante Interdictum. Et ideo tibi præcipimus, quod omnia prædicta quæ sunt in Balliva tua ei sine dilatione haberi facias, et si quid inde amotum fuerit postquam occasione interdicti in manum nostram capta fuerunt, id eis sine dilatione reddi facias. Et præterea reddi facias eidem Episcopo omnes oblationes integre

integre quæ provenerunt, et receptæ vel arrestatæ sunt a tuis in Balliva tua post interdictum. Et prohibeas omnibus in Balliva tua, quod sicut corpora sua diligunt, malum non faciant nec dicant viris religiosis vel Clericis de Episcopatu *Bathon.* set eis firmam pacem nostram portent. Teste meipso apud *Merleb.* 10 die *Aprilis.* *An.* 9 & 14 Joh. *Regis.*

Yea he was so zealous to protect all such dutifull, loyal, religious persons, Clerks, from violence by any of the Popes Instruments or others, that he commanded the Sheriffs to make this publike proclamation throughout their Counties by way of terror; that he would hang up any on the next Oak that should be attainted of doing or speaking any evil against them contrary to his protection.

PRæcipimus tibi, quod clamari facias sine dilatione per Com. tuum, quod nulli sicut diligunt corpora et catalla sua, malum faciant vel dicant viris religiosis, vel Clericis, contra pacem nostram. Et si quem inde attingere possumus, ad proximum quercum suspendi faciemus. Teste meipso apud *Merleberg*, 11 die *Aprilis.* Clauſ. 9 Joh. Regis, m. 3.

The like restitution and protection he granted by several Patents, to *William* Priest of *Bradewater*, *William de Wretham* Archdeacon of *Taunton*, the Abbot of Saint *Edmund*, the Canons of *Exeter*, and sundry others. Ibid. m. 3, 5, 7, 8, 9.

The Church of *Exeter* wanting a Bishop during the Interdict, the King out of his piety and Ecclesiastical soveraignty, sent the Archbishop of *Armach* Primate of *Ireland*, thither, to execute his Episcopal Office in that Bishoprick, giving order to defray his expences out of the Mannors of the Bishoprick, as this Writ records.

REX Custod. Episcopatus *Exon.* &c. Sciatis quod missimus venerabilem patrem *E. Armachan.* Archiepiscopum et *Hiberniæ* Primatem, ad exequendum Episcopale officium in Episcopatu *Exon.* Et ideo vobis mandamus, quod cum contigerit ipsum facere transitum per dominica maneria Episcopatus, inveniatis ei rationabile estuverium suum cum sex equis: et computabitur vobis ad Scaccarium nostrum. Teste meipso apud *Divis.* 19 die *Julii.* Cl. 9 Johan. Reg. m. 3.

Thus did the King provide for his peoples souls, which the Pope and Bishops who interdicted the Realm endeavoured to starve and destroy, by interdicting all Divine publick worship, Service and Sacraments.

Moreover, the King the same year soon after the Interdict, by his Ecclesiastical prerogative, nominated and sent a Bishop into *Ireland* to the Bishoprick of *Limerick* then void, commanding his Justice of *Ireland* first to invest him therein, and then to induce the Clergy thereof to elect and receive him for their Bishop; as this Record assures us.

REX *M.* Justic. *Hybern.* &c. Sciatis, quod concessimus Magistro *Gaufrido* Personæ Ecclesiæ de *Dungarvan* Episcopatum *Lymeric.* qui vacat: Et volumus et assentimus, ut præficiatur Episcopus Ecclesiæ *Limericensis*: Et ideo vobis mandamus, quod Episcopatum illum ei habere faciatis, et moneatis et inducatis Clerum illius Episcopatus, quod ipsum eligant et recipiant in Episcopum. Teste meipso apud *Frigidam Mantellum*, 5. die *Decemb.* Cl. 9 Johan. Reg. m. 11.

The loss of all Charter, Clause, Patent and Fine-Rolls of King *John*, from *Anno* 9. till 14. of his Reign, have deprived us of sundry occurrences during those years.

Tom. 2. p. 268. l. 55. after *Anglia*, adde. The *Archdeaconry* of *Stafford* becoming voyd by the Election and confirmation of * *Henry London* Archdeacon thereof to the Archbishoprick of *Dublin* by the Kings nomination and consent during the Interdict, the King granted it by this Patent to *Robert de Glouceſter*. *An.* 14 Johan. *Regis.*

[a] REX omnibus Decanis, Personis, Vicariis & Clericis in Archidiaconatu *Stafford.* constitutis, salutem. Sciatis quod concessimus intuitu Dei, & quantum ad nos pertinet dedimus dilecto Clerico nostro Magistro *Roberto de Glouceſtr.* Archidiaconatum *Stafford.* cum omnibus pertinentiis suis, qui fuit dilecti nostri *H. Dublin.* electi, qui in Archiepiscopum est confirmatus, & qui ad nostram spectat donationem, ratione Episcopatus *Ceſtrensis* vacantis et in manu nostra existentis: Et ideo vobis mandamus, quatenus ei tanquam Archidiacono vestro sitis in omnibus quæ ad officium suum pertinent intendentes & obedientes. Et in hujus rei testimonium has literas nostras Patentes vobis mittimus. Teste meipso apud *Windleſor*, 5. die *Marcii.* Per Dom. *Winton.* Episcopum, & per Consilium. [a] Pat. 14 Joh. Reg. m. 2.

In which Patent there are 4. points observable; 1. That by an *English* Archdeacons taking an Archbishoprick in *Ireland*, his Archdeaconry in *England* became [x] voyd in Law even in K. *John*'s reign, upon his confirmation before his consecration.

2ly. That

* Mat. Westm. An. 1213. p. 94.

[x] See Crooks 2 Report, p. 691. Woodlyes case.

*An.*14 & 15 Joh. *Regis.*

† Vid. ibid. 41 E. 1. 11 H. 4. 37. Brooke Presentment, al Esglise. 3, 14, 48, 50, 61. 17 E. 3.40. a.

2ly. That the King claimed the right of granting this Archdeaconry upon his translation to the Archbishoprick, only by reason of the Bishoprick of *Chester*'s vacancy, to whom the patronage belonged; † not by reason of his Translation: Of which there are many like presidents in antient Records. 3ly. That he granted it by way of collation, not presentation. 4ly. That during King *John*'s Excommunication, and his Kingdoms Interdict by the Pope, there are above one hundred presidents of his presenting Clerks to Benefices, Archdeaconries, Præbendaries belonging to vacant Bishopricks, Abbies, and others, which he seised into his hands for the Treasons or Contempts of the Archbishop, Bishops, Abbots and Clergymen, who interdicted and fled out of the Realm, or submitted to the Interdict, as likewise sundry Licenses granted by him for Elections, and his Royal assent to elections of Bishops, Abbots and Priors, extant in the *Patent-Rolls* of 9, 14, and 15. years of his reign. So little did he regard his Excommunication or Interdict by the Pope.

An. 15 Johan. *Regis.*

a Mat. Westm. An 1213. p.93. See Tom. 2. p. 283.

Tom. 2. p. 274. l. 44. after *clamante*, adde. [a] *Mat. Westminster* passeth this censure of King *John*'s Resignation, Charter of his Kingdom, and Homage to Pope *Innocent*: Resignavit igitur (Rex *Johannis*) Coronam *Angliæ Innocentio* Papæ, et ei fecit homagium, et fecit de libera regione ancillam, ut princeps provinciarum fieret sub tributo, chartam inde conficiens, omnibus eam audientibus lugubrem et detestabilem. The Charter which he registers differs from that in *Mat. Paris* in these words, clauses; *gratia ipsa* sancta *inspirante*, *ad* optimum consilium *Baronum meorum offerimus*: which *Mat. Paris* thus amplifies; *gratia Sancti Spiritus inspirante*, non vi Interdicti, nec timore coacti, sed nostra bona spontaneaque voluntate, ac communi consilio Baronum nostrorum concerimus. *Mat. Westm.* adds after *successoribus ejus*, omne jus patronatus, quod habemus in Ecclesiis *Anglicanis*, (not in the Charter Roll, nor printed Copies of *Matthew Paris*, nor of *Henry de Knyghton*) *totumque regnum* Angliæ, &c. & *amodo illa* a * Deo & *Ecclesia* Romana *tanquam* feudatarius *recipientes*. Mat. Paris rendersit, *Ejusque Catholicis successoribus, totum Regnum* Angliæ, &c. *& amodo illa* ab eo & *Ecclesia* Romana *tanquam* secundarius *recipientes*. Mat. Westm. *adds*, Fidelitatem *exinde Domino Papæ, &c. Mat. Paris* omits *Fidelitatem*. Matth. Westm. *is*, *Ad indicium autem hujus perpetuæ* oblationis; agreeing with the * Record in the *Tower*. Mat. Paris *and* Hen. de Knyghton *render it*, *Hujus* obligationis. Mat. Westm. *pro omni consuetudine*. Mat. Par. *pro omni* servitio et consuetudine. † *Henry de Knyghton*, relating the manner how King *John* was decoyed to make this Charter whiles under the Popes Excommunication and Interdict, adds; *Antequam beneficium absolutionis posset promereri*, de libero fecit se servum, et de Dominante servientem, terramque Anglicanam quæ esse solebat libera, et ab omni servitute quieta, fecit tributariam et ancillam pedissequam, subjectionemque suam confirmavit per scriptum suum in hæc verba conceptum. Johannes *Dei gratia Rex* Angliæ, &c. *Universitati vestræ per hanc Chartam* aurea Bulla munitam, *volumus esse notum*, &c. *nec quid quod dignè offerre possumus pro satisfactione Deo & Ecclesiæ faciendo* nisi nos ipsos habemus et regna nostra: volentesque (which words in the Record, and him, were omitted by the Printers negligence in my second Tome, p.289. l.17.) nos ipsos humiliare, *&c.* *Henry de Knyghton* his Copy agreeth verbatim with the Charter Roll, except in 5. words, whereof *obligationis*, for *oblationis*, is most material: After which Charter he immediately subjoyns of King *John*, Sicque de libero servus effectus est, & *beneficium absolutionis apud* Winton. *consecutus*, & *Interdicti relaxatio facta est statim*, *in eodem anno* 1214. *sexto Non.* Julii *feria sexta*, facta prius restitutione cuilibet petenti. All by his Popish Prelates Treachery.

* Agreeing with the Charter Roll.

* Chart. 15 Johan. Regis, nu. 289.

† De Eventibus Angliæ, l.2. c. 15. col. 2419, 2420.

Tom. 2. p.278. l. 33. after *delay*, adde; He was enforced to restore to these Trayterous Bishops Proxies, before their arrival, in the presence of *Pandulfus* the Popes Legate, their respective Bishopricks, to remit his indignation against them; and receive them with their adherents persons, lands, goods into his Royal protection before the *Interdict* realeased; as these ensuing Records most fully evidence.

Pat 15 Johan. in Rot. minore, m. 8. in majori, m. 12.

REX Omnibus tenentibus de Episcopatu *Herefordensi*, *&c.* Sciatis quod reddidimus Domino *E. Herefordensi* Episcopo per manum Magistri Pandulphi Domini Papæ nuncii Episcopatum *Herefordensem*, cum pertinentiis suis; Et idem Episcopus constituit coram eodem Magistro *Pandulpho* Decanum & Thesaurarium *Herefordenses*, *&c.* generales Procuratores suos ad prædictum Episcopatum nomine suo suscipiendum & custodiendum. Et ideo vobis mandamus, quod eisdem Decano & Thesaurario tanquam generalibus procuratoribus suis sitis intendentes quamdiu eidem

Episcopo

Episcopo placuerit. Teste Domino *P. Wintonienſi* Episcopo apud *Windeſ.* primo die *Junii*, anno 15. Per eundem, & *G.* filium *Petri Mareſcallum.* *An.* 15 Johan. *Regis.*

Eodem modo scribitur tenentibus de Archiepiscopatu *Cantuarienſi* committendo Magistro *Roberto de Penn*; & tenentibus de Episcopatu *Londonienſi* de *Richardo Capellano* & *Willielmo Clerico*; & tenentibus de Episcopatu *Elyenſi* de *Simone de Inſula*; & tenentibus de Episcopatu *Bathonienſi* de *Petro de Ciceſtria*; & tenentibus de Episcopatu *Lincolnienſi*, de Decano *Lincolnienſi*, & tenentibus de Prioratu *Cantuarienſi* de fratre *Ricardo* Monacho. Teste eodem.

REX Justiciariis, Vicecomitibus, Præpositis, & omnibus Ballivis & fidelibus suis, *&c.* Sciatis quod venerabilis pater noster Dominus *W. Londonienſis* Episcopus plenam gratiam nostram habet, & ipsum & omnes homines, terras, res, & omnes possessiones suas in protectionem & defensionem nostram suscepimus: Et ideo vobis mandamus, quod ipsum et omnia sua protegatis et defendatis tanquam nostra dominica. Et prohibemus, ne ponatur in placitum de aliquo tenemento quod in pace tenuit die quo ultimo ab *Anglia* recessimus in *Pictaviam* ad transfretandum, donec inde reversi fuerimus in *Angliam.* Et in hujus rei testimonium, *&c.* vobis mandamus. Teste ut supra. Ibid. nu. 13.

REX omnibus Vicecomitibus, & Forestariis, & Ballivis in quorum Ballivis Dominus *H. Sarisberienſis* Episcopus & Canonici sui terras habent & tenementa, salutem. Præcipimus vobis, quod sine dilatione & occasione faciatis habere venerabili patri nostro Domino *H. Sarum* Episcopo & Canonicis suis plenariam saisinam de omnibus terris & tenementis Episcopatus & Ecclesiæ *Sarum* in Ballivis vestris, et dominicis, et feodis et gardis, et omnibus libertatibus ita integre sicut melius et liberius tempore inchoatæ discordiæ ea habuerunt, et cum omnibus exactis quæ provenerunt de terris suis a tempore inchoatæ discordiæ inter nos et ipsos. Teste meipso apud *Porceſtriam*, 18 die *Julii.* Anno regni nostri 15. Pat. 15 Johan. m. 8.

REX omnibus Vicecomitibus, & Forestariis, & Ballivis suis, salutem. Præcipimus vobis, quod Priorem & Monachos *Cantuarienſes* pacificè habere permittatis omnes libertates & liberas consuetudines suas in ballivis vestris, sicut habuerunt a tempore discordiæ inter nos et ipsos motæ. Teste Rege apud *Wintoniam*, 21 die *Julii.* Anno regni nostri 15. Ibidem.

Eodem modo scribitur Archidiacono *Dunelmenſi*, & *Philippo de Iletot.* Teste eodem.

REX omnibus Ballivis & fidelibus suis, *&c.* Sciatis quod recepimus in gratiam nostram *Willielmum* filium *Walteri* Archidiaconum *Herefordenſem*, et ei indignationem nostram dimisimus quam erga ipsum habuimus * occasione recessus sui ab *Anglia.* Et ideo vobis mandamus, quod ipsum tanquam dilectum et fidelem Clericum nostrum, et omnes homines, redditus et res suas in Ballivis vestris manutenea-tis et defendatis, nec ei, vel suis faciatis, vel fieri permittatis injuriam, molestiam vel gravamen: Et si quid eis forisfactum fuerit, id ei sine dilatione faciatis emendari. Et in hujus rei testimonium has literas patentes vobis inde mittimus. Teste meipso apud *Wintoniam*, 21 die *Julii.* Anno regni nostri 15. Pat. 15 Johan. m. 10. minoris rotuli. * See Tom. 2. pag. 267.

REX *Gilberto* filio *Reinfredi*, &c. Mandamus vobis, quod sicut nos et absolutionem nostram diligitis, statim visis literis istis sine dilatione plena fiat restitutio de omnibus terris, feodis, & tenementis *Euſtac. de Veſcy*, sicut melius & liberius tempore inchoatæ discordiæ ea habuit, quæ propter hoc ad nos venerint, scientes, * quod in eandem sententiam in qua prius fuimus incidemus nisi citius hoc feceritis. Scire autem faciatis venerabili patri nostro *S. Cantuarienſi* Archiepiscopo, et *G.* filio *Petri* Justiciario nostro quando hoc feceritis. Et in hujus rei testimoniam has literas nostras patentes vobis inde mittimus. Teste meipso apud *Wintoniam*, 21 die *Julii.* Anno regni nostri 15. Pat. 15 Johan. m. 8. nu. 34. * See Tom. 2. p. 279.

REX omnibus fidelibus suis, salutem. Sciatis quod præcepimus ut *Roberto* filio *Walteri*, & *Euſtachio de Veſcy*, & suis sine dilatione plena fiat restitutio omnium immobilium suorum & libertatum sine difficultate, statim postquam nos vel illi quibus curam regni nostri committemus super hoc infra Natale Domini fuerimus requisiti. Et si forte (quod Deus avertat) ita non fieret, concessimus, et * concedimus bona fide, quod liceat venerabili patri nostro *S. Cantuarienſi* Archiepiscopo nos, appellatione remota, in eundem statum reducere in quo fuerimus ante formam pacis a nobis acceptatam. (*To which unworthy condescensions he was enforced to submit, by his Trayterous Bishops, before he could be absolved from his former Excommunication.*) Pat. 15 Johan. m. 8. n. 35. * See Tom. 2. p. 279.

Et

An. 15 Johan. *Regis.*

Et in hujus rei testimoniam has literas nostras patentes vobis inde fieri fecimus. Teste meipso apud *Wintoniam*, 19 die *Julii*. Anno regni nostri 15.

Tom. 2. p. 282. l. 45. after *supradictis*, adde; King *John* to give some present satisfaction to these Trayterous Prelates for their damages during their flight and exile, (only to effect his Excommunication and dethroning) was enforced to pay them 15000 Marks forthwith, for which he issued this Writ.

Pat. 15 Johan. m. 5.

REX *Hugoni de Nevill, &c.* Mandamus vobis, quod sine dilatione visis Literis istis liberari faciatis certis nunciis Domini *Cantuariensis* Archiepiscopi, et Episcoporum *Londoniensis*, *Elyensis*, *Herefordensis*, *Bathoniensis*, et *Lincolniensis*, literas nostras patentes deferentibus 15 millia marcarum de denariis nostris qui sunt in custodia vestra apud *Merlebergiam*. Et in hujus, *&c.* apud *Rading*, 12 die *Decembr.*

Tom. 2. p. 282. l. 13. after *remeavit*, adde; The King being at *Portesmuth* with his Forces to pass over into *Poictiers*, made *Peter* Bishop of *Winton* Custos of the Realm; and committed it likewise to the custody, protection of God, the Church and Pope of *Rome*, and of his Legate, during his absence, as these Patents inform us.

Pat. 15 Johan. m. 5. n. 12.

REX Archiepiscopis, Episcopis, Abbatibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Præpositis, & omnibus Ballivis & fidelibus suis, *&c.* Sciatis quod constituimus Justiciarium nostrum *Angliæ* venerabilem patrem nostrum *P. Wintoniensem* Episcopum quamdiu nobis placuerit, ad custodiendam loco nostro terram nostram *Angliæ*, et pacem regni nostri. Et ideo vobis mandamus, quod ei tanquam Justiciario nostro *Angliæ* intendentes sitis & respondentes. Et in hujus rei testimonium, *&c.* vobis mittimus. Teste meipso apud *Portesmuth.* 1 die *Februarii*, Anno regni nostri 15.

Ibidem.

REX Archiepiscopis, Episcopis, Abbatibus, Comitibus, Baronibus, & omnibus fidelibus suis has literas inspecturis, *&c.* Sciatis, quod pro magnis negotiis nostris transfretamus ad præsens in *Pictaviam*, et regnum nostrum *Angliæ* ad custodiam et protectionem DEI, et Sanctæ *Romanæ* Ecclesiæ, et Domini Papæ, et Domini *N. Tusculanensis* Episcopi, Apostolicæ sedis Legati commisimus, et loco nostro ad pacem regni nostri tuendam venerabilem patrem nostrum Dominum *P. Wintoniensem* Episcopum constituimus. Et ideo vobis mandamus, quod ei ad defensionem regni, & pacis conservationem, auxiliantes sitis & intendentes. Et in hujus rei testimonium, *&c.* vobis mittimus. Teste ut supra.

He likewise granted the Bishop power, to give restitution of the Temporalties of all Churches, to whom he or his Commissioners should give his Royal assent, and to all elections to them upon voydances, during his absence.

Pat. 15 Johan. m. 5. n. 10.

REX Domino *P. Wintoniensi* Episcopo, *&c.* Mandamus vobis, quod cum electi Ecclesiarum vacantium qui electi fuerint de assensu nostro, vel assensu dilectorum et fidelium nostrorum Abbatum de *Eboraco*, et de *Bello loco*, et de *Seleby*, et *Willielmi Briwerr*, et *Willielmi de Cantilupo*, quos ad hoc loco nostro assignavimus, ad vos venerint, eis liberam assignationem terrarum suarum, & omnium possessionum ad Ecclesias suas spectantium habere faciatis. Et in hujus rei testimonium, *&c.* vobis mittimus. Teste meipso apud *Portesmuth.* 1 die *Febr.* anno regni nostri 15.

The King amongst other constitutions to be observed by his *Army* then raised, made these ensuing for the preservation of the Churches Priviledges, to please his Clergy.

Clauf. 15 Joh. pars 2. m. 8. dorso. Constitationes faciendæ in exercitu Domini Regis.

DOminus Rex habeat in qualibet terra sua duos Marescallos; scil. de *Anglia Radulphum de Bray*, & *Radulphum de Mandevill*; de *Normannia*, *Philippum de Albiniaco*, & *Engmerguey de Boun*, de aliis terris, illos quos Dominus Rex elegerit.

Isti jurabunt, quod bene et fideliter pacem Ecclesiæ observari facient. Ita quod si necesse fuerit aliquid de Ecclesiis vel Cimiteriis, pro defectu exercitus capere, illi qui præerunt Ecclesiis commoneantur, ut venditioni exponant ea quæ necessaria fuerint exercitui, et antequam aliquid inde amotum fuerit eis satisfaciant de pretio. Quod si forte custodes Ecclesiarum absentes fuerint, vel id facere neglexerint, precium rerum venalium in Ecclesia reponetur ad opus illorum quorum venalia illa fuerint, &c.

Hoc idem quilibet Baro, et quilibet Miles, et quilibet Capitalis serviens familiæ suæ se firmiter observaturum jurabit. Ita quod si aliquis transgressor hujus institutionis inventus fuerit, Marescallis inde tradatur ad faciendum inde quod justum fuerit.

Moreover K. *John* out of his piety, to prevent prophanations of the Lords-day, the same

same year removed the Market of the City of *Exon* from the Lords-day, whereon it was formerly kept, to the Monday, as this Record attests.

An. 14 Johan. *Regis.*

Clauſ. 15 Joh. pars 3. m. 3.

REX Vic. *Devon.* &c. Sciatis quod Civibus noſtris *Exon.* conceſſimus, quod habeant Mercatum ſuum in Civitate noſtra *Exon.* per diem *Lunæ*, quod habere ſolebant per diem Dominicam. Et ideo vobis mandamus, quod hoc ita fieri faciatis. Teſte meipſo apud *Dorec.* 29 die *Julii.* *Before which, in the ſeventh year of his reign, he made the like alteration of the Market of* * Lanceſton, *from the Lords-day.*

* Here, pag. 9.

Tom. 2. pag. 283. l. 41. after *eundem*, adde; The King likewiſe to gratifie the Pope, granted a licenſe and ſafe conduct to the Freers of the Hoſpital of St. *Mariei* in *Rome*, to preach and make collections throughout *England*, for the maintenance of their Hoſpital, (built by the Pope) by theſe Letters Patents.

Pat. 15 Johan. m. 7. n. 20.

REX omnibus fidelibus ſuis in *Anglia*, tàm Clericis quàm Laicis, ad quos præſentes literæ pervenerint, ſalutem. Sciatis, quod conceſſimus fratribus Hoſpitalis Sanctæ *Mariæ* in *Saxia* quod apud *Romam* a Domino Papa de novo eſt conſtructum, licentiam fideliter prædicandi in regno noſtro *Angliæ*, et fidelium eleemoſynas karitative petendi et accipiendi ad ſuſtentationem pauperum prædicti Hoſpitalis, ſecundum formam privilegii Apoſtolici quod inde habent. Et ideo vobis mandamus, rogantes quatinus prædictos fratres & nuncios & homines eorum quocunque venerint in *Angliam* benigrè & honorificè ſuſcipiatis, & eis de bonis veſtris intuitu Dei benefaciatis, nec permittatis eis moleſtiam fieri vel impedimentum, quia eos et omnia ſua in protectionem noſtram ſuſcepimus. Conceſſimus etiam eiſdem fratribus, ut ipſi & res ſuæ per omnem terram noſtram et aquam liberum habeant tranſitum et ſecurum. Et in hujus rei teſtimonium, literas, &c. eis fieri fecimus, per totum hunc annum duraturas. Teſte meipſo apud *Reading.* 10 die *Decemb.* Anno regni noſtri 15.

Pat. 15 Johan. m. 1.

REX omnibus Ballivis et fidelibus, &c. Sciatis nos ſuſcipiſſe in protectionem noſtram fratres Hoſpitalis Sanctæ *Mariæ* de *Kertevall*, præſencium latores, in eundo per totam poteſtatem noſtram ad prædicandum et petendum eleemoſynas domini ſui karitative conferri. Et ideo vobis mandamus, quod nullum eis ſuper hoc faciatis vel fieri permittatis impedimentum. Et in hujus, &c. Teſte meipſo apud *Grantam*, 1 die *Aprilis.*

Tom. 2. pag. 287. lin. 29. after *Septembris*, inſert; This Epiſtle to the Popes approaching Legate he ſeconded with another of the ſame date.

Clauſ. 15 Johan. pars 1. m. 7. dorſo.

VEnerabili Patri in Chriſto *N.* Dei gratia *Tuſculanenſi* Epiſcopo Apoſtolicæ Sedis Legato, *F.* eadem gratia Rex *Angliæ*, &c. & debitam Patri cum devotione reverentiam. Audito adventu veſtro verſus partes noſtras, nos cum toto Regno noſtro gavisi ſumus in Domino, de Religione et honeſtate veſtra fiduciam gerentes pleniorem. Miſiſſemus autem ad vos (ſicut decens et dignum eſſet) Nuncios noſtros, niſi communis relatio nos decepiſſet, quæ vos in feſto exaltationis Sanctæ Crucis Capitulo *Ciſtertienſi* debere intereſſe aſſerebat. Cum vero certos * de appropinquatione veſtra audiſſemus, fuimus in remotis Regni noſtri partibus ultra *Eboracum*; et ſtatim latores præſentium prudentes viros et familiares noſtros *Eborac.* et *Seleby* Abbates in occurſum veſtrum miſimus; mandantes quod bene veneritis, et plures et ſolemniores nuncios miſiſſemus, ſi vix fidelibus noſtris tutæ eſſent. Nos vero in occurſum veſtrum verſus mare venire feſtinamus: Veſtram rogantes Sanctitatem, quatinus quam citius poteritis in *Angliam* venire feſtinetis, et voluntatem veſtram nobis, ſi placet, ſignificetis. Teſte meipſo apud *Thikehill*, 19 die *Septembris.* So highly did he court this Legate, on whom he conferred the cuſtody of St. *Edmond's* rich Abby, after his arrival.

* Deeſt rumores, or nuncios.

Tom. 2. p. 297. l. 23. after *dying day*, adde; Yea *Mat. Weſtminſter* (though a Monk) obſerves, that the very ſame year King *John* reſigned his Crown, Realms to the Pope, became his Tributary, and put himſelf under his protection, though he confederated with the Earl of *Flanders* and other foreign Nobles, *qui* * *magnum exercitum, de conductitiis ſtipendariis, diſtribuentes Regiam theſaurum prodigaliter, conflaverunt; propoſitum habentes, ut Regem* Francorum Philippum, die Dominica, non conſuetum tali die arma portare, ſubito invaderent et confunderent. Yet, *Rex* Franciæ (though he had three horſes ſlain under him) *triumphum inopinabilem, Deo propiciante, reportavit, apud* Boumes *in* Flandria. *Capti ſunt multi magnates tàm de Imperio quàm de regno* Angliæ. *Imperator autem* Otho *cum ſuis qui aderant paucis, elapſus eſt, &*

* Flores Hiſt. An. 1214. pag. 96, 97.

An. 15 Johan. *Regis.*

nunquam postea est fama sua redintegrata. Ad majorem confusionem *Regis* Johannis Anglorum, *amotus est idem Rex à castro quod* Rupes Monachorum *dicitur; quod obsiderat cum magno exercitu, per adventum* Ludovici *filii Regis* Francorum; *ità quod audito rumore de captione magnatum suorum apud* Boives, *& impotentia resistendi ex alia parte,* comperiit Deum et homines, sibi esse undique offensos et exosos. Fugit igitur turpiter et ignominiosè a prædicta obsidione, et nisi dans XI. millia marcarum argenti pro treugis triennalibus citius in *Angliam*, procurante *Roberto de Curci*, tunc in *Francia* Legato, recessisset, profecto probrosè captus extitisset. Rex igitur in *Angliam* confusus et inglorius 14 kal. *Novembris* venit. Where he was soon after abandoned, renounced by most of his Prelates, Nobles, people; and *Lewes* of *France* called in and crowned *King* in his stead: Whereupon Pope *Innocent* the III. in a general *Council* at *Rome*, *anno gratiæ* 1215. Ludovicum *Regis* Francorum *primogenitum*, et omnes Comites et Barones *Angliæ*, cum complicibus suis conspirantes, et insurgentes in Regem *Angliæ*, *Romanæ* Ecclesiæ vassallum, die Sancti *Andreæ* Apostoli excommunicavit: who slighted, derided this his Papal thunderbolt with greatest contempt. *Crescebat jam guerra in* Anglia *de die in diem*, *Baronibus totam patriam* Northampton, *cum ipsa villa occupantibus. Barones verò inde venerunt* London, *& 15 kalendas* Junii *civitatem ingredientes, nullo contradicente, occuparunt.*

Tom. 2. p. 333. l. 22. after *Patents*, insert.

Pat. 15 Johan. m. 15.

REX dilectis sibi in Christo Priori & Conventui S. *Edmundi*, salutem. Sciatis, quod commisimus venerabili Patri nostro Domino *Tusculanensi* Episcopo Apostolicæ Sedis Legato custodiam Abbaciæ vestræ cum omnibus pertinent. suis quamdiu nobis placuerit, salvo nobis Regali nostro, scilicet in electione Abbatis, et in redditibus Ecclesiasticis vacantibus et exactis conferendis. Et ideo vobis mandamus quod ei tanquam Custodi vestro sitis intendentes. Et in hujus rei testimonium has literas nostras patentes vobis inde mittimus. Teste meipso apud *Turrim London.* 3 die *Jan.* Anno regni nostri 15.

Tom. 2. p. 336. l. 51. after *dilecti*, adde; Besides, the Archbishop and Bishops covertly to gain into their hands and power the administration and disposal of the Chattels and Personal estates of all *Lay-persons* and *Free-men* of *England* dying intestate, inserted this new *Clause* into K. *John*'s Charter; [a] *Si aliquis liber homo intestatus decesserit, catalla sua per manum propinquorum, parentum et amicorum suorum per visum Ecclesiæ distribuantur, salvis unicuique debitis quæ defunctus ei debebat*: not extant in King *Henry* the 1. his Charter, *anno* 1100. whose confirmation they [b] pretended onely to contest for, and to have ratified, running only in these words; [c] *Si quis Baronum vel hominum meorum infirmabitur, sicut ipse dabit vel dare disposuerit pecuniam suam, ita datam esse concedo.* Quod si ipse præventus armis, vel infirmitate, pecuniam suam nec dederit, nec dare disposuerit (by his last Will and Testament.) uxor sua, sive liberi, aut parentes, aut legitimi homines ejus (not the Church, Bishop, or Ordinary not mentioned in this *Clause*, or *Law*) eam pro anima ejus dividant *SICUT EIS MELIUS VISUM FUERIT*; without the Churches, Ordinaries view or disposition; according to the precedent *Laws* both of [d] King *Knute* and *Edward* the Confessor ([e] elsewhere cited:) Notwithstanding which, the King and all Lords of Manors before this his *Charter* made, especially during the reigns of King [f] *William the Conquerour* and *William Rufus*, usually claiming, seising, disposing of the Goods, Chattels, Moneys, Personal estate of all their Barons and Tenants dying intestate, to the great prejudice of their Wives, Children, Parents, Kinred, which grievance among others, King *Henry* the 1. (*to induce the Bishops and Nobles to crown him King*) *at their request promised by his Oath to reform*, and redressed by this *Clause* in his *Charter*. After this King *Stephen*, (at the Bishops request, who most treacherously, [g] *against their Oathes, Loyalty to King* Henry *the* 1. *and his Daughter and heir Queen* Maude, *elected and crowned him King*) inserted this farther *Clause* into his *Charter of Liberties* granted to the Bishops and Clergy, *Anno* 1156. at his *Coronation.* [h] Ecclesiasticarum personarum et omnium Clericorum et rerum eorum justitiam et potestatem, et distributionem bonorum Ecclesiasticorum in manu Episcoporum esse perhibeo et confirmo. Si quis autem Episcopus vel Abbas, vel alia Ecclesiastica persona ante mortem suam rationabiliter sua distribuerit, vel distribuenda statuerit (by his Will) firmum manere concedo. Si vero morte præoccupatus fuerit, pro salute animæ ejus Ecclesiæ consilio eadem fiat distributio. This is the first *Charter*, for ought I can find, that gave *Clergy-men* power

a Mat. Paris, Hist Angl. p. 248.
b Mat. Paris, p. 230, 245.
c Mat. Paris, Hist. Angl. p. 52, 53. Spelman. Concil. Tom. 2. p. 33. Lib. Rub. in Scac. f. 161.
d Chron. Johan. Bromton, col. 914, 929, 930. Spelm. Council. Tom. 1. p. 332.
e Here p. 141, 142, 332.
f See here, Tom. 1. p. 400. Mat. Paris, p. 52, 53 & Magna Charta, cap. 18. Cooks 9. Report, f. 38.
f See Tom. 1. p. 491, 492. Glanvil, l. 7. cap. 16.
g Will. Malmesburiensis Hist. Novellæ, l. 5. p. 179. Spelm. Concil. Tom. 2. p. 38.

power to dispose of their Church-goods by Will, and Bishops or Ordinaries Jurisdiction to distribute their Clerks Goods dying intestate, for the good of their Souls, they then having no Wives nor Children, as Lay-men had, to whose goods therefore this *Charter* never extended; but only to Church-mens goods belonging to their Churches. *An.* 15 Johan. *Regis.*

Before this *Charter* of King *Stephen*, the antient Law, custome of *England* was, that if any Bishop, Abbot, or other Ecclesiastical person who held of the King, and received his Temporalties from him deceased, all his goods and chattels (except the ornaments of his Church, Chappel dedicated to God's Service, or the stock annexed to his Bishoprick by the Kings special *Charters*) [a] *belonged of right to the King*, especially if he dyed intestate; neither could any of them by Law make a Will, or devise his goods or chattels, unless the King out of his special grace, by special Patents authorized them to devise them by their Testaments; neither did the Laws of King [b] *Canute*, the *Confessor*, and *Conquerour*, or Charter of K. *Henry* the 1. extend to Bishops, Abbots or Clergy-men, who had neither Wives nor Children, being then prohibited by sundry Canons to *marry*, but only to the temporal Barons and Lay-subjects who had Wives and Children, as the words of their Laws, Charters, the old Writs *De rationabili parte bonorum* grounded on them, and the words thereof, ([c] Cum secundum consuetudinem regni nostri hactenus obtentam, pueri post mortem patrum suorum habere debent rationabiles partes suas quæ fuerunt patrum suorum, *&c.*) demonstrate, and King *Stephen*'s Charter intimates; which had been needless, useless, had the Law or custome of *England* been then concurrent with it. Neither was this the Prerogative only of the Kings of *England* in that age, but also of *France*; as is evident by this memorable acknowledgement of the Bishop elect, Dean and Chapter of *Mascon* in *France* to King *Philip Augustus*, *Anno Domini* 1201.

a Glanvil, l. 7. c. 16. Here, p. 130 to 134, 222, 332, 333, 350, 381, 386, 543, 544.

b See here, p. 141, 142, 332, 333.

c Glanvil. l. 12. c. 20. Bracton, l. 2. c. 26 f. 60, 61. Fleta. l. 2. c. 57. Bundela Brevium, An. 15 E. 2. in Turre Lond. Here, p. 352.

* *Notum quod ego* P. *electus* Matisconensis *veniens ad Dominum nostrum* Philippum, *illustrem Regem* Franciæ, *potestatem habens à Decano & universo Capitulo* Matisconensi, *per literas ejusdem Decani & Capituli patentes*, Cognovi Jus Dom. Regis Franciæ quod habet in Regalibus Matisconen. *scilicet*, quod mortuo Episcopo Matisconensi, *vel quotiescunque Sedes* Matisconensis *vacaverit*, omnia Regalia et omnes proventus Regalium existentes in regno Franciæ libere sunt Dom. Regis Franciæ, *sicut & ea Episcopus possidebat.* Et si Episcopus Matisconen. decesserit intestatus, tam omnia mobilia quam proventus omnes sunt Domini Regis Franciæ integre et absolute. Quod ut ratum et firmum pronunciavit, &c. *Actum* Parisiis, *An. Dom.* 1201. *mense* Martio. Yea *Johannes Andræas*, and † *Pierre de Pithou* assert, Que les Roys de France et d'Angleterre in hoc sunt antiquo jure defendendi. And that this was the ancient Law, right, prerogative of the Kings of *Scotland* then, and in the reign of our King *Edward* the 1. I shall * elsewhere evidence by our own Records. If then the Bishops and Clergy of *England* and *Scotland* could not dispose of their own goods and chattels by Will, but by the Kings special license, and absolutely and wholly belonged to the Kings of *England*, *France* and *Scotland* if they *dyed intestate*, by their *Prerogatives*; not to the Archbishops, Bishops or Church to dispose, or distribute to their Kinred, Churches, or any pious uses for their Souls pretended benefit: then doubtless they had no legal Jurisdiction or authority at all to distribute or dispose of any Lay-mens goods or chattels in those times, to any pious or other uses.

* Pierre de Pithou, Preuves des Libertez de l'Eglise Gallicane, Chap. 16. sect. 5. p. 598.

† Ibidem.

* Here, p. 543, 544.

Whereupon the Bishops not long after to revive, confirm and enlarge this their new-acquired Jurisdiction granted them by this *Usurper*'s Charter (which † expired with King *Stephen*, and never bound his Successors and extended only to the Goods of Clergy-men) endeavoured to extend it to the Goods, Chattels of all *English* Free-men of the Laity; for which end they cunningly inserted the premised *Clause*, amongst others, into King *John*'s Great Charter: Which, although in the Kings and Nobles intentions, it gave them no Jurisdiction at all either to grant Administrations of, or distribute any Intestates Goods for the benefit of their Souls, which they wholly left by expres words to the administration and distribution of their neareſt Kinred, Parents, Friends, yet by colour of these three words, per visum Ecclesiæ, *by the view of the Church*; (which if a personal Trust reposed in the Bishop himself by this *Grand Charter*, as our Bishops and Canonists thence argue, was certainly to be executed personally by the Bishop alone, not by

† See here, p.

An. 15 Johan. *Regis.*

his Vicar General, Commissary, Official, or Judge of the Arches, who now grant all Administrations, and make the distributions of Intestates personal estates, against the express words and intention of this Law, which might be more properly interpreted of the *Parson*, *Church-wardens*, and *Parishioners* of the *Parish* where the deceased person lived, than of the *Bishop*, his *Chancellor* and *Under-officer*, being single Persons, and no * *Church*:) the Bishops and their Officers by pretext of these words, (which at most gives them only the oversight, not power of or in the distribution, and no more authority to dispose of the Goods, than Overseers usually named in Wills have, wherein there are likewise Executors appointed, to whom the right, power and disposition of the Testators Goods alone belong by Law) [a] usurped a Jurisdiction soon after by degrees, not onely over all deceased Lay-mens Wills, Chattels; but over the Goods and Chattels of all Lay-men dying intestate, committing their administration and distributing them by their Vicars, Commissaries, Chancellors and other Officers at their pleasures to such persons and pious uses as themselves, or their Officials thought meet; yea many times [b] appropriated them to themselves and their Churches, against the true intent of King *John* and his Barons. Whereupon at the renewing of this *Great Charter* by K. *Henry* the 3d. in the 9th year of his Reign, in a grand Parliamentary Council, this premised *Clause* concerning Intestates Goods, inserted by the Bishops fraud, craft covertly to usurp a Jurisdiction over the Laity, and all Intestates estates, was wholly [c] *expunged*, as prejudicial to the Kings Prerogative and the *Nobles*, *Free-mens* franchises, liberties, properties; and that *Charter* was then and hath been since successively ratified by above 40. Parliaments, without this *Clause*; Yea the King and Lords then and immediately after would by no means permit the Bishops or Ordinaries to intermeddle with the Goods and Chattels of any Free-men dying intestate, or to distribute them for their Souls good at their pleasures; although Saint [d] *Edmund* Archbishop of *Canterbury*, and *Boniface* his next Successor (Uncle to King *Henry* the 3d. his Queen) with the rest of the Bishops, *frequently importuned King* Henry *the* 3d. *his Nobles and Counsil, not to hinder their Tenants or Villains to make Wills*, or prove them before their Ordinaries, nor to disturb or prohibit Bishops *to distribute the Goods of Persons dying intestate for their Souls health*; nor would they grant them this power upon any termes, but prohibited them to do it, as is evident by this passionat *Complaint* thereof by Archbishop *Boniface*, his *Suffragans* and *Clergie*, in the *Prologue* to their *Constitutions* in the *Council* of *Lambeth*, Anno 1251. [e] Regem ipsum frequenter monuimus ac supplicavimus ei, et supplicari fecimus cum instantia sæpius reverenter, necnon apud Principes et Magnates regni, et Consiliarios quorum moderamine disponuntur negotia regni, precibus et exhortationibus pulsavimus importuna opportunitate et frequenter, quatinus intra memoriam recolentes quot plagis *Ægyptii* fuere percussi, &c. Huic privilegio tam pio, tamque nobili præcio comparatæ deferrent humiliter, ob reverentiam Redemptoris; permittendo Clerum *Anglicanum* in sollicitudine libertatis sacrificium laudis Domino immolari, &c. Licet autem in precibus inculcandis diu laboraverimus sustinendo, et sustinuerimus laborando; adhuc cum instantia nostra sæpius iterata, ad exauditionis gratiam ingressum mereri non potuit, nec effectum potiri diutius expectatum. Compared with their Articles of *Complaint*, [f] *Art.* 25. Item, mortuo laico intestato, Dominus Rex, et cæteri Domini feodorum, bona defuncti sibi applicantes, non permittunt de ipsis debita solvi; nec residuum in usum liberorum et proximorum suorum, et alios pios usus per loci Ordinarium quorum interest, aliqua converti; and their *Constitution* made against it in this *Provincial Council* summoned at *London* by this *Archbishop*'s usurped authority (against the *King*'s express *Writ of Prohibition* directed to him, printed in my 2d *Tome*) attests.

Indeed I find in the [g] *Constitutions* of *Otthobon* the *Popes Legate*, made in a *Council* held at *London* but 11. years after, (*Anno* 52. *H.* 3.) *De Bonis Intestatorum*, mention of a *Provision* anciently made by the *English* Prelates with the assent of the King and Nobles concerning Intestates Goods, which he thus confirms and orders to be strictly observed: Provide super bonis decedentium ab intestato, provisionem quæ olim a Prælatis Regni *Angliæ* cum approbatione Regis et Baronum dicitur emanasse, firmiter approbantes, districte inhibemus, ne Prælati vel alii quicunque bona intestatorum hujusmodi quocunque modo recipiant vel occupent contra Provisionem prædictam. Which *Provision* I find likewise mentioned in [h] Archbishop *Stratford*'s *Constitutions* made *Anno Dom.* 1342. What this *Provision* should be, or when or where made, our learnedst *Canonists* cannot resolve: [i] *Will. Lindewode* the chiefest of them, in

* See Mr. Will. Tyndals Treatise, What the Church is.

a See Cooks 9 Reports, f. 33, 38. Hensloes case.

b As Othobons Constitutions and Aton's Glosse thereon, f. 95. affirm.

c See Magna Charta, ch 18. and Cook's 2. Institutes thereon.

d See Tom. 2. p. 870, 891, 899, 907, 910. Mat Par. Additamenta, pag. 139, 200, 201.

e Joh. de Aton Constit Legit f. 138. Guil Lindewode, Provincial, l. 5. f 226, 227. Here, Tom. 2. p. 899.

f Mat. Paris Additamenta, p. 200, 201. Here, Tom 2. p. 893

g Johan de Aton Constitutiones Legitimæ, p 94, 95.

h Lind wode Provinc l. 3. f. 125, 130. Johan. de Aton Provinc Con f 137. Spelman. Concil. Tom. 2. p. 585.

i Provincial. l. 3. de Immunitate Ecclesiæ, f. 193.

in his Gloss on Archbishop *Stratford's Constitution*, on the words *ab olim*, writes ingenuously, *Cujus Regis temporibus hoc ordinatum sit, non reperio*: But [b] *John de Aton* in his Gloss on *Ottobon's Constitutions*, refers it to the *Statute* of *Westm.* 2. *Anno* 13 E. 1. *ch.* 19. But this being made at least 18. years after *Othobon's Constitutions*, and not ab olim, long before them, must needs be a gross mistake; therefore (if real, not forged by the B. shops, or a meer dubious report then raised by them, without ground or truth, as *Ottobon's*, *dicitur*, implyes) we may well conclude, since Archbishop *Boniface*, his Prelates, Clergy in the Council and Articles of *Lambheth* but 11. years before, made no mention at all thereof, (as questionless they would have done, had there been any such *Provision*) it can be no other, but either the premised *Clause* and *Provision* inserted by the Prelates into King *John's Charter*, expunged out of K. *Henry* the Thirds, and *Edward* the Firsts *Great Charters*, in all our manuscript Statutes, in the Statute-Roll in the *Tower of London*, and all our printed Statutes of *Magna Charta* 9 *H.* 3. *ch.* 19. wherein that Clause of *Intestates Goods* is omitted: Or else it must be the Provision in the Laws of King *Cnute* confirmed by the *Confessor*, *Conqueror*, or Charter of K. *Henry* the 1. to which *Ottobon's Constitution* seems most probably to relate, being the most antient *Provision*, prohibiting Bishops, as well as the King and Lords, to dispose of Intestates Goods, as his *Constitution* likewise doth in my opinion, since made soon after K. *Henry* the 3. and the Kingdoms complaint and appeal to the Pope against the *Constitutions* of Archb. shop *Boniface* and his Suffragans, promulged by them in præjudicium juris et dignitatis Regiæ, contra libertates, et consuetudines Regni nostri *Angliæ*, et in nostri et Coronæ nostræ præjudicium et gravamen, as the King declared in his *Patents* of *Procuration* and *Appeals* against them to the Pope, *Pat.* 45 *H.* 3. *pars* 1. *m.* 8. and *Pat.* 46 *H.* 3. *m* 17, 19. Which *Constitutions* of *Boniface*, though thus solemnly condemned, appealed, protested against by the *King* and *Kingdom*; who would by no means assent to them or their *Articles*, after so many reiterated prayers, monitions and importunities, are yet since printed, Glossed on by *Lindewode* and *Aton*, yea now cryed up by ignorant Canonists for the *Canon-Law* of *England*, and that of *Intestates Goods* revived, enlarged without any legal authority, by Archbishop *Stratford*, in his [c] *Provincial Constitutions*, though not put in practise before; *& etiam à multis in dubium revocatum*. Which voyd illegal *Constitutions* of *Boniface* and *Stratford* are in truth the sole foundations I can yet discover, of our Ordinaries usurped Power to compell Administrators by bonds and censures to distribute the surplusage of *Intestates Goods*, to such pious uses as they shall appoint, against the express Provision of the Royal Charters of *Henry* 1. and *Hen.* 3d. Whereupon our Judges of late times upon Complaints of Administrators, after grand deliberation and debates, have granted [d] Prohibitions out of the *Kings Bench* and *Common Pleas*, to restrain such coercive dividents of *Intestates Goods* by Ordinaries, as mischievous, grounded only on these illegal Constitutions, mis-interpreted Charters, and this old *Popish error*, [e] *That the distribution of* Intestates Goods *after their decease, (though without their order, knowledge) by the Bishop, or their Administrators, would expiate and procure pardon of their Sins, redeem their Souls from purgatory, or abate the pains thereof, or of Hell*; which being exploded by the authorized Doctrine of our Church, the Ordinaries pretended Jurisdiction of distributing *Intestates Goods to pious uses*, in remedium peccatorum et pro salute animæ, must be exploded with it. Which power of disposing *Intestates Goods* and *Estates*, being reputed by our Bishops and Nobles, unsafe to be vested in the *King* himself, as the premised Charters of *Henry* the 1. imply; was, and is much more unfit for every inferiour indigent Ordinary, Archdeacon, Chancellour, or Commissary then or now to be invested with, usurp or exercise upon such false and sandy foundations.

[a] An. 15 Johan. Regis.

[b] Constit. Legic. f. 95.

[a] Tom. 2. p. 338. l. 43. before *this Charter*, adde: The King to maintain his Royal Prerogative, and prevent schismes in elections of Bishops and Abbots, appointed certain Commissioners to be present at, and give their and his Royal assent unto them; as these with other Charters evidence.

[c] See Tom 2. p. 983, 990, 991.

[c] Lindewode, l. 3. f. 124, 125, 190. Aton, fol. 137 Spelman. Concil. Tom. 2 p. 585, 586.

[d] Hobards Reports, p. 83, 151. Judge Crooks Reports, Part 1. p. 61, 163, 201. Mores Reports, p. 804.

[e] See Othobani Constit. and Atons Gloss thereon, p. 94.

Pat. 15 Johan. m. 6.

REX Priori & Conventui de *Evesham*, salutem in Domino. Quoniam Ecclesia vestra jam diu sine Pastore extitit desolata, vellemus et desideramus super hoc ei salubriter provideri. Unde mittimus ad vos dilectos et fideles nostros *H.* Abbatem de *Bello Loco*, *Willielmum Briwerr*, & *Willielmum de Cantilupo*, quod invocata Spiritus sancti præsentia, Pastorem vobis et Abbatem sine dilatione eligatis, quia prædictis fidelibus nostris vices nostras commisimus ad præsens, ut electioni quam secundum Deum et Regni nostri consuetudinem et Regiam dignitatem feceritis, assensum præstent ex parte nostra, ut id quod illis præsentibus et assentientibus inde feceritis

An. 15 & 16 Joh. *Regis.*

fecerítis ratum habebimus et acceptum. Et si forte prædicti tres fideles nostri præsentes esse non possint, duobus eorum præsentibus id quod prædictum est fieri volumus. Et in hujus rei testimonium, *&c.* vobis mittimus. Teste meipso apud *Waltham* 2. die *Januarii*. Anno, *&c.* 15.

Eodem modo scribitur Priori & Conventui *Wygorn.* de Episcopo eligendo. Teste eodem, data eadem, & ibidem.

The Prior and Covent of *Worcester* having elected a Bishop according to the Kings license and Patent, in the presence of his Commissioners, the King thereupon thus certified his Royal assent thereto, to the Archbishop of *Canterbury* for his confirmation.

Pat. 15 Johan. m. 16.

REX Domino *S. Cantuariensi* Archiepiscopo, totius *Angliæ* Primati, & Sanctæ *Romanæ* Ecclesiæ Cardinali, *&c.* Noverit paternitas vestra Priorem & Conventum *Wigorn.* canonice elegisse sibi in Episcopum *Walterum de Gray* Cancellarium nostrum, et nos eidem electioni assensum nostrum præbuimus, ipsumque *Walterum* ad vos transmittimus, * a neribus Curiæ absolutum. Rogantes quatinus beneficium confirmationis ei impendere velitis. Et in hujus rei testimonium, *&c.* vobis mittimus. Teste meipso apud *Porcestriam*, 26 die *Januarii*. Anno regni nostri 15.

* *Nota.*

The like License in *Terminis* issued to the Prior and Covent of *Evesham*, Pat. 15. *Johannis*, nu. 15. And the like to the Prior and Covent of St. *Swithuns* in *Winchester*, with this variation.

Pat. 15 Johan. m. 2.

REX Priori & Conventui Sancti *Swithune Wintoniæ*, salutem. Volentes Ecclesiæ vestræ provideri in Pastore idoneo vobis præficiendo, mittimus ad vos venerabiles viros *P. Eboraci*, *H. Belli loci Regis*, & *R. de Seleby* Abbates, & dilectos & fideles nostros *Willielmum Briwer*, & *Willielmum de Cantilupo* Senescallum nostrum. Mandantes quatinus secundum regni nostri consuetudinem virum idoneum vobis eligatis in Pastorem; scituri quod quicquid inde actum fuerit cum uno vel duobus prædictorum Abbatum, salva libertate nostra et regni nostri indempnitate, Ratum habebimus et inconcussum. Et in hujus rei testimonium has literas patentes vobis mittimus. Teste meipso apud *Engolismum*, 6 die *Aprilis*, Anno regni nostri 15.

An. 16 Johan. *Regis.*

Tom. 2. p. 331. l. 48. after *Valete*, adde: Earl *Ferrers* in pursuance of the Popes award, and King *John*'s Oath, entred into this ensuing Obligation, before *Pandulphus* the Popes Legate, as the King's Surety for satisfaction of the fugitive Bishops damages, which he ratified likewise with his Oath, as this Record demonstrates.

Pat. 16 Johan. Rot. Spiff. m. 17. dorso.

W. Comes de *Ferrariis*, Omnibus præsens scriptum visuris, salutem in Domino. Noveritis quod cum Dominus meus *Johannes* Rex Illustris *Anglorum* singulis annis post relaxationem Interdicti duodecim millia Marcarum in duobus terminis, Commemoratione videlicet *Omnium Sanctorum* sex millia Marcarum, et totidem in *Ascensione Domini*, in manus venerabilium patrum *S. Cantuariensis* Archiepiscopi, *London. Elyensis*, et *Lincoln.* Episcoporum, vel eorum quos ipsi ad hoc durerint deputandos, in Ecclesia Sancti *Pauli London.* tenetur solvere, donec tota Summa fuerit persoluta, quæ tarante Summo Pontifice declarabitur per Inquisitionem de mandato ejus perinde faciendam: Ego una cum aliis quinque fidejussoribus, constitui me fidejussorem in solidum pro ipso Rege et hæredibus suis, per solempnem stipulationem promittens, quod si ipse et hæres suus (quod absit) in solutione antedicta cessaverit, ego infra quatuor menses postquam fuero ammonitus vel requisitus, sine dilatione et difficultate qualibet inde satisfaciam eisdem. Pro quo observando obligavi me, et omnia bona mea. Renuncians in hoc privilegio fori, et novæ Constitutionis beneficio, omnique alii exceptioni mihi competenti vel competituræ. Insuper tactis sacrosanctis Evangeliis juravi in præsentia Domini *Pandulphi*, Domini Papæ Subdiaconi et ejus familiaris ad hoc destinati, et *J. Norwicensis* Episcopi, *Thomæ de Erdinton*, & Magistri *Alani* & *Walteri* Clericorum Domini *Cantuariensis* Archiepiscopi, me bona fide et sine fraude observaturum hæc omnia suprædicta. Et in hujus rei testimonium huic scripto Sigillum meum apposui. Actum apud *Rupem fortem*, 16 die *Junii*. Anno regni Regis *Johannis* sextodecimo.

Thus must these Traytors have both the King *and* Nobles *Obligations*, *Charters*, *Oathes*, *for restitution of their goods*, *profits*, forfeited by, *and* * seized on for their Treasons *before the Interdict released*, *without any oath made or sureties given by them to the* King *for their future loyalty and obedience to him*,

* See Henr. de Knyghton, de Event. Angl. l. 2. col 2418.

Tom. 2. p. 333. l. 48. adde; King *John* to ingratiate himself with the *Romish* Cardinals

Cardinals and Court, granted them annual penſions out of his Eſchequer, the arrears whereof he ordered to be ſatisfied in the firſt place; and likewiſe gave Benefices or Prebends to their Nephews and Creatures, as theſe Records atteſt.

An. 16 Johan. *Regis.*

Pat. 16 Johan. pars 1. m. 15. ſub n. 8.

REX Domino *P. Wintonienſi* Epiſcopo, *&c.* Satis novit prudencia veſtra qualiter redditum conceſſimus dilecto Conſanguineo noſtro Domino *Guidoni Petro Leoni* Cardinali Sancti *Nicholai in Carcere T.* ad Scaccar. noſtrum percipiendum; unde vobis mandamus, quod de Conſilio Domini *Norwicenſis*, Abbatis de *Bello Loco* Regis, & *Thomæ de Ardinton*, per rotulos Scaccarii noſtri diligenter inquiratis, quantum redditus ei conceſſimus, et quantum inde perceperit poſtquam primo ei redditum illum conceſſimus; et computatis annis, Reſiduum procuratori ſuo reſtitui faciatis in primis redditibus ad Scaccarium noſtrum aſſignandis quicquid inde reſtat reddendum. Mandamus autem vobis, quod in fide qua nobis tenemini quicquid aliàs vobis mandaver.mus de redditibus aſſignandis, aſſignetis *Johanni Pet. Leonis* nepoti præfati *Guidonis* in primo beneficio Eccleſiaſtico quod de donatione noſtra vacare contigerit, tantam ſummam beneficii quanta eſt ſumma redditus quem præfato *Guidoni* conceſſimus ad Scaccarium noſtrum. Et in hujus rei teſtimonium, *&c.* vobis inde mittimus. Teſte meipſo apud *Rupellam*, 9 die *Julii.* Anno regni noſtri 16.

SImon Nepos Domini *N. Tuſculanenſis* Epiſcopi, & Apoſtolicæ ſedis Legati, habet literas Domini Regis patentes de Archidiaconatu *Eborum* qui vacat, & ad donationem Regis ſpectat, ratione Archiepiſcopatus *Eboracenſis* acantis & in manu Regis exiſtentis, ſcilicet ad reſignationem *Sampſonis* nepotis prædicti Legati. Et diriguntur literæ Decano & Capitulo *Eborum*, rogantes, quod ipſum ad prædictum Archidiaconatum admittant, ſtallum in choro, & locum in Capitulo ſecundum conſuetudinem Eccleſiæ *Eboracenſis* aſſignantes. Teſte Rege apud *Novum Templum London.* 11 die *Nov.* Anno regni Regis *Johannis* 16.

Ibid. m. 8.

REX Decano & Capitulo *Eborum*, ſalutem. Sciatis, quod ad reſignationem venerabilis viri Magiſtri *Stephani* de *Foſſa nova* Domini Papæ Camerarii, conceſſimus, & quantum ad nos pertinet dedimus dilecto Clerico noſtro *Petro* nepoti ejuſdem Magiſtri Præb.ndam de *Neuband*, cum omnibus pertinentiis ſuis quæ ad noſtram ſpectat donationem ratione Archiepiſcopatus *Eborum* vacantis & in manu noſtra exiſtentis, Ipſum vobis per has literas noſtras patentes ad dictam Præbendam præſentamus. Rogantes quatenus ipſum in corporalem poſſeſſionem illius Præbendæ ſine dilatione inducatis, ſtallum ei in choro, & locum ſecundum Eccleſiæ veſtræ conſuetudinem aſſignantes. Teſte meipſo apud *Windeſores*, 14 die *Maii.* Anno, *&c.*

Pat. 16 Johan. pars 1. m. 1.

Thus theſe *Roman* Locuſts ſucceeding one another devoured the wealth, and poſſeſſed themſelves of the Eccleſiaſtical promotions of our Church. He likewiſe granted protections to thoſe Delegates the Pope imployed in any buſineſs, as this Record atteſts.

VEnerabilibus in Chriſto patribus *G.* Dei gratia *Bituricen.* Archiepiſcopo, & *Aurelian.* Epiſcopo; *Johannes* eadem gratia Rex *Angliæ*, *&c.* Cum Cauſa habeatur inter Priorem *Grandmontenſem* & quoſdam malos & inobedientes Ordinis ſui fratres converſos; et Dominus Papa vos ſuper eadem Cauſa delegaverit Judices, ut audivimus: Notum vobis facimus, quod vos et omnia ad vos pertinencia, et omnes qui vobiſcum, vel ſine vobis pro dicto Priore venerint, quoties hac de cauſa ad *Grandimontem* acceſſeritis, in ſalvo conductu in toto poſſe noſtro et coadjutorum noſtrorum recipimus, et omnibus ad nos et noſtros pertinentibus Regia diſtrictione præcipimus, ut vos ex parte noſtra in eundo et redeundo, ſalvos cuſtodiant et indempnes. Ut hoc autem notum ſit omnibus, vobis patentes literas ſigillatas ſigillo noſtro deſtinavimus. Teſte meipſo apud *Rupem Monachi*, 23 die *Junii.* Anno regni noſtri 16.

Pat. 16 ſoh. m. 16. ſub nu. m. 10.

REX omnibus Ballivis & fidelibus ſuis, *&c.* Sciatis quod ſuſcepimus in ſalvum conductum noſtrum venerabilem patrem noſtrum Dominum *Bituricenſem* Archiepiſcopum in eundo ad Eccleſiam *Grandimontis* & redeundo, ad mandatum Apoſtolicum exequendum. Et ideo vobis mandamus, quod eum per partes veſtras in eundo illuc & redeundo, liberè & ſine impedimento tranſire permittatis. Et in hujus rei teſtimonium, *&c.* Teſte meipſo apud *Spinam*, 11 die *Junii.* Anno regni noſtri 16.

Ibidem.

Eodem modo ſcribitur omnibus Ballivis & fidelibus Domini Regis pro Domino *Aurelianenſi* Epiſcopo. Teſte ut proximo ſupra.

How he courted all the Cardinals with his Letters to facilitate his affairs in the Court

An. 16 Johan. *Regis.* Court of *Rome*, as well as gratified them with gifts, pensions, and conferring benefices on their Nephews, this his Epistle will inform us.

Pat. 16 Johan. Regis, m. 11. REX universis Sanctæ *Romanæ* Ecclesiæ Cardinalibus, salutem. Quoniam propter varium periculum devotioni singulorum vestrorum scribere non possumus, Universitatem vestram sollicitare, & ea quæ præsenciam vestram ex parte nostra tangunt, sub modulo unici tenoris supplicare compellimur; hoc enim in multis universaliter et singulariter vobis gratiarum actionibus ex eo nos facitis fortius obligatos, quod indesinenter perseveratis in procurandis honoribus et utilitatibus nostris, sicut ex frequenti relacione Nunciorum nostrorum et experimentis probatissimis comperimus. Inde est quod paternitatem vestram negotiis nostris honorare, et speciali confidencia Nuncios nostros, et quocies emergerint negocia nostra imponere et commendare audacter volumus. Mittimus autem ad pedes Papæ, dilectos & fideles nostros Abbatem *Belli Loci*, Fratrem *Alanum Martell*, *Themam de Erdinton*, & *Petrum Sarum*, pro negotiis nostris; supplicantes, quatinus consueta devotione ipsos et eadem negocia promovere velitis in omnibus sicut videritis melius expedire, amicabiliter procedentes. Teste meipso apud *Novum Templum London.* 18 die *Novembris.*

Tom. 2. 334. l. 8. after *Quinto*, adde; He likewise issued these following Patents and Writs to his Officers on behalf of the Trayterous Bishop of *Lincoln.*

Pat. 16 Johan. m. 11. intus. REX Vicecomitibus, Forestariis, & omnibus Ballivis & fidelibus suis, salutem. Sciatis nos recepisse in plenam gratiam, amorem et familiaritatem nostram venerabilem patrem nostrum *H. Lincolnienſem* Episcopum, sicut unquam aliquo tempore melius fuit, & ipsi omnem indignacionem, si quam erga ipsum hactenus concepisse videbamur, omnino remisisse. Volentes & firmiter præcipientes, quod omnes fideles nostri ipsum tanquam fidelem et familiarem nostrum habeant, *&c.* sicut nos diligunt arctius commendare. Vobis igitur universis & singulis districtè præcipimus, quatinus ipsum, & Ecclesiam suam, & omnia ipsos tangencia specialiter custodiatis, manuteneatis, & promoveatis, non inferentes vel inferri permittentes eis vel hominibus suis, rebus, possessionibus, feodis, juribus, aut libertatibus eorum molestiam, injuriam vel gravamen, set ipsos et omnia sua sicut nostra propria defendatis, manuteneatis, promoveatis et protegatis, ut sollicitudinem vestram possint et debeant merito commendare.

Thus must this Traytor and all his be pardoned, protected by the King, against whom he notwithstanding continued trayterous and rebellious to his death.

What reparations he and his heirs were bound to make of the Trayterous Bishop of *London's* Castle of *Stortford*, which he seised during the Interdict, this Record will inform us.

Pat. 16 Johan. m. 11. REX omnibus fidelibus ad quos præsens scriptum pervenerit, salutem. Sciatis quod ad rationabilem summonicionem venerabilis patris nostri *W. Londonienſis* Episcopi tenemur reparare Castrum de *Storteford*, adeo bene et forte sicut fuerit in inicio discordiæ inchoatæ inter nos et Clerum *Angliæ*. Et si fortè de nobis humanitus contigerit priusquam prædictum Castrum reparavimus, hæres noster id facere tenebitur: si verò prædictus Episcopus in fata concesserit priusquam prædictum Castrum reparatum fuerit, ad rationabilem summonitionem successoris ipsius Episcopi, nos vel hæres noster illud reparabimus. Et in hujus rei testimonium has literas, *&c.* Teste Domino *P. Wintonienſi* Episcopo apud *Novum Templum London.* 22 die *Novembris.* Anno regni nostri 16.

Moreover to gratifie the Archtraytor *Stephen Langeton*, he granted the Patronage of the Bishoprick of *Rochester* to him and his successors by his * forecited Charter, and this Patent.

* Tom. 2. p. 330.

Ibidem Pat. 16 Johan. m. 11. REX Priori & Monachis *Roffenſibus* ac liberè tenentibus de Episcopatu, salutem. Sciatis quod reddidimus venerabili patri nostro Domino *S. Cantuarienſi* Archiepiscopo, patronatum Episcopatus *Roffenſis* cum omnibus pertinenciis, tanquam jus suum. Et ideo vobis mandamus, quod ei tanquam Domino & patrono ejusdem Episcopatus sitis in omnibus intendentes. Et in hujus rei, *&c.* Teste ut proximo supra.

Besides to remunerate the Trayterous Bishop of *Ely* for his pardoned Treasons against him, he granted him by this Patent the patronage of the Abby of *Torney.*

REX

REX Abbati & Conventui de *Torneia*, salutem. Sciatis quod intuitu Dei concessimus venerabili patri nostro *R. Elyensi* Episcopo & successoribus suis in perpetuum Patronatum Abbatiæ prædictæ, cum omnibus pertinentiis, dignitatibus, et liberis consuetudinibus suis, sicut plenius continetur in charta nostra, quam ei inde fieri fecimus. Et ideo vobis mandamus, quod ei inde & successoribus suis de cætero tanquam Dominis et patronis vestris in omnibus sitis intendentes et respondentes, secundum cartæ nostræ tenorem. Teste ut proximo supra, anno eodem ut supra. *The King thus parting with the rights of his Crown, to make these Traytors more then Lords, and himself less then a King.* *An.* 16 Johan. *Regis.* Pat. 16 Johan. m. 5.

REX Domino *P. Wintoniensi* Episcopo, *&c.* Significavit nobis venerabilis pater Dominus *N. Tusculanensis* Episcopus Apostolicæ sedis Legatus, quod Prior *Coventrensis* electus de *Seleby*, pastoralem ejusdem domus curam penitus recusavit, & quod expediens est tam honori nostro, quam animæ nostræ saluti, ut de gremio Ecclesiæ suæ sibi pastorem eligi concedamus. Et ideo vobis mandamus, si ita est, electioni quam Monachi ejusdem domus fecerint dicto modo per consilium ejusdem Domini Legati de persona domui suæ utili, et nobis fideli, favorem vice nostra præbeatis et assensum. Eodem modo scribitur Magistro *R.* de *Marisco* & Domino *W. Briwerr.* Teste Rege apud *Partiniacum*, 30 die *Aug.* Pat. 16 Johan. m. 13.

Tom. 2. p. 335. l. 23. after *adjecit*, insert; How zealous King *John* was to extirpate Hereticks out of his Dominions, appears by this Record; an excellent evidence of his piety and care of Religion in the midst of his troubles.

REX, &c. *R. de Pontibus* Seneschallo *Wascon.* salutem. Audivimus quod de novo in terra nostra cœpit in partibus *Wascon.* detestanda hæreticorum quorundam pullulare perfidia, quæ cum fidelibus sit omnibus odibilis et inimica, * Nobis tamen ad præsens restat a finibus nostris et nostrorum præ cæteris extirpanda, ne in terra nostra et dominio nostro maliciæ recipiatur alicujus exordium, per quod in posterum possit universitati fidelium provenire dispendium; Vobis igitur in fide qua nobis tenemini mandamus, sicut nos diligitis, et ne pro defectu vestri dampnum, quod absit, aliquatenus incurramus, ne ipsorum etiam hæreticorum nequiciæ videamur sequaces et participes, quatinus cum omni posse vestro, qualibet occasione et dilatione postpositis, qui sint, vel per quos hujusmodi malicia fuerit de novo suborta, efficaciter et diligentissime inquiratis, eosque, cum ipsorum detestabili nequicia funditus confundendo, penitus extirpare curetis. Mandavimus etiam per literas nostras Magistro *P.* de *Bevenent*, prædictæ *Romanæ* Ecclesiæ Cardinali et Apostolicæ Sedis Legato attencius exorantes, quod nobis ob reverentiam Dei et dilectionis vestræ obtentu ad hujusmodi negocii consummationem efficaciter consulat, et sit in auxilium, et ad ipsorum nequicias viriliter eradicandas sollicitudinem adhibere studeat efficacem. Teste meipso apud *Novum Templum London.* 20 die *Novembris.* Pat. 16 Johan. m. 10. b. 35. * *Nota.*

Tom. 2. p. 343. l. 52. before *Cumque*, insert: Besides these two Epistles printed in *Mat. Paris*, I find two other Bulls and Epistles of Pope *Innocent* recorded in the Patent-Rolls in the *Tower*, and three original Bulls I lately discovered in the *White Tower*; the first to King *John* himself, to encourage him to proceed in his voyage for relief of the *Holy Land*, for which end he had made a Truce with the King of *France*; the next to *Eustace de Vesey*, (a principal stickler against him * formerly banished, whom he had restored to his lands and favour, *to continue with a sincere heart and mind* in his sworn loyalty to the King; and not to attempt, hinder or suffer others to disturb the King's Officers in the execution of their offices) the other three to the Bishops, Barons and Commons of *England*, not mentioned by any of our Historians; wherein he sharply reprehends the Archbishop and Bishops for not endeavouring to compremise the differences between the King and Barons, but fomenting, and siding with them all they could; and rebukes, censures the Nobles for seeking to wrest their Liberties by Rebellion and force of arms from their King, which they ought humbly to petition for, if there were cause; and exhorts the generality of the Barons and Commons to all dutifull obedience and humble submission to the King, thereby to appease and reconcile him to them; and with all humility and dutifulness, not with insolency or armed violence to request what they desired from him, preserving his honour and regality, whom he had intreated and conjured graciously to grant all their just requests; and not to hearken or adhere to those few factious Barons who would stir them up to Rebellion; that so the publick peace of the Realm might be established, the relief of the *Holy Land* promoted, and he might

* See Tom. 1. pag. 359.

An. 16 Johan. *Regis.*

Anno 16 Johan. Regis, in Turre London.

might more readily bestow on them his assistance and favour in all their necessities; with which I shall present you in order, as not unworthy publick view.

INNOCENTIUS Episcopus, servus servorum Dei, charissimo in Christo filio JOHANNI Regi *Anglorum* Illustri, salutem & Apostolicam benedictionem. Literas quas nobis Regia sublimitas destinavit recepimus benignitate. Et quæ de treugis initis cum charissimo in Christo filio nostro *Ph.* Rege *Francorum* Illustri significasti, per eas notavimus diligenter. Cum igitur treugas ipsas ut subveniri possit expeditius Terræ Sanctæ asseras initisse, —— Serenitatem tuam rogamus attentius, monemus et exhortamur in Domino quatinus ad ejusdem Terræ succursum intendas sollicite ac potenter. Dat. *Lateran.* 14 Kal. *Novembris*, Pontificatus nostri anno septimodecimo.

An. 16 Johan. Regis, in Turre London.

INNOCENTIUS Episcopus, servus servorum Dei, dilecto filio nobili viro *Eustachio de Vesci*, salutem & Apostolicam benedictionem. Cum per illius gratiam qui fecit utraque unum, discordantes parietes copulans in se lapide angulari, sit omnino sopita discordia quæ olim inter Regnum et Sacerdotium in *Anglia* vertebatur, occasione cujus confœderationes et conjurationes contractæ fuisse dicuntur, quia pace reddita & concordia reformata, cum causa cessare debet effectus; Comitibus, Baronibus et aliis nobilibus per *Angliam* constitutis dediste memininus in mandatis, ut in fidelitate charissimi in Christo filii nostri *Johannis* Illustris Regis *Anglorum* et hæredum ejus, sincero corde ac puro animo perseverare deberent, tales se circa devotionem ipsius per omnia exhibendo, quod tam a nobis quam ab ipso possent merito commendari. Ut igitur mandatum illud majoris roboris consequatur effectum, Nobilitati tuæ per Apostolica scripta mandamus, quatinus prætextu confœderationum et conjurationum illarum in solicitudine Regia nullius difficultatis opponas obstaculum; Justiciarios et alios Officiales Regis ejusdem, nec per teipsum impediens, nec patiens quantum in te fuerit per alios impediri, quominus commissa ipsis officia efficaciter exequantur. Dat. *Lateran.* Non. *Novembris*, Pontificatus nostri anno septimodecimo.

Pat. 16 Johan. pars 1. m. 1, dorso.

INNOCENTIUS Episcopus, servus servorum Dei, venerabilibus fratribus *S. Cantuariensi* Archiepiscopo, Sanctæ *Romanæ* Ecclesiæ Cardinali, & Suffraganeis ejus salutem, & Apostolicam benedictionem. Mirari cogimur et moveri, grave gerentes plurimum et molestum, quod cum inter vos et karissimum in Christo filium nostrum *J.* Regem *Anglie* Illustrem, pax ad honorem Dei et Ecclesiæ sit feliciter reformata, dissentiones inter ipsum et quosdam Magnates atque Barones, necnon complices eorundem, dissimulatis hactenus, et conniventibus oculis pertransitis, ad sopiendum illas non curantes interponere partes vestras, quamvis nullatenus ignoretis, quod nisi celeriter fuerint prudenti consilio ac studio diligenti sopitæ, tantum et tale scandalum eorum occasione possit accidere toti Regno, quod scire nequiret absque multo dispendio ac magno labore sedari, nonnullis suspiscantibus et dicentibus, quod super quæstionibus contra ipsum Regem noviter suscitatis, * vos illis præbetis auxilium et favorem, cum temporibus claræ memoriæ patris et fratris sui, necnon ipsius usque post pacem inter nos et ipsum vestra sollicitudine reformatam, hujusmodi quæstiones non fuerint suscitatæ. Illud autem reprobamus omnino, si quemadmodum a multis asseritur, conspirationes fecerint ausu temerario contra ipsum, quodque cum * armis irreverenter et indevote repetere præsumpserunt, quæ cum humilitate ac devotione, si opus esset, repetere debuissent. Ne igitur ipsius bonum propositum hujusmodi occasionibus volueritis impediri, fraternitatem vestram rogamus et exhortamur in Domino, per Apostolica vobis scripta præcipiendo mandantes, quatinus ad reformandam inter utrosque concordiam diligens studium impendeatis, et operam efficacem; omnes conjurationes et conspirationes præsumptas a tempore subortæ discordiæ inter Regnum et Sacerdotium Apostolica denuntiantes auctoritate cassatas, et per excommunicationis sententiam inhibentes, ne talia de cætero præsumantur: præfatos Nobiles monendo prudenter, et efficaciter injungendo, per devotionis et humilitatis indicia ipsum Regem sibi placare ac reconciliare procurent, exhibentes ei servicia consueta quæ ipsi et prædecessores sibi et suis prædecessoribus impenderunt. Ac deinde si quid ab eo duxerint postulandum, non insolenter, set reverenter implorent, Regalem ei conservantes honorem, ut sic quod intenderint valeant facilius optinere. Nos enim eundem Regem rogamus, et obsecramus in Domino, in remissionem sibi peccaminum injungentes, quatinus prædictos Nobiles benigne pertractet, et justas petitiones eorum clementer admittat, ut et ipsi congau-

** Nota.*

* Did not this Pope himself do so, to enforce K. John to resign his kingdoms to him?

congaudientes conquiescant, eum divina gratia faciente in meliorem statum esse mutatum. Ac per hoc ipsi et heredes eorum sibi et successoribus suis promptius et devotius debeant famulari. Dat. *Laterani*, 14 Kal. *Aprilis*, Pontificatus nostri anno octodecimo. *An.* 16 Johan. *Regis.*

INNOCENTIUS, &c. Dilectis filiis Magnatibus & Baronibus *Angliæ* salutem, & Apostolicam benedictionem. Grave gerimus et molestum quod sicut accepimus, inter karissimum in Christo filium nostrum *J.* Regem *Anglorum* Illustrem, et quosdam vestrum propter quæstiones noviter suscitatas discordia est suborta, grave dispendium parituræ, nisi celeriter fuerint prudenti consilio ac studio diligenti sopitæ. Istud autem * reprobamus omnino, si quemadmodum a multis asseritur, conspirationes aut conjurationes feceritis ausu temerario contra ipsum, quodque cum armis irreverenter et indevote repetere præsumpsistis, quæ cum humilitate ac devotione, si opus esset, vos repetere debebatis. Ne igitur ipsius bonum propositum hujusmodi occasionibus volueritis impedire, nos omnes conspirationes et conjurationes præsumptas a tempore suboriæ discordiæ inter Regnum et Sacerdotium, Apostolica denunciamus auctoritate cassatas, et per excommunicationis sententiam inhibemus, ne talia de cætero præsumantur; Vos monendo prudenter et efficaciter inducendo, ut per manifesta devotionis et humilitatis indicia, ipsum Regem vobis placare et reconciliare curetis, exhibentes ei servicia consueta, quæ vos et prædecessores vestri sibi et suis prædecessoribus impendistis; ac deinde si quid ab eo duxeritis postulandum, non insolenter, set cum reverencia imploretis, Regalem ei conservantes honorem, ut sic quod intenderitis valeatis facilius optinere. Nos enim eundem Regem rogamus et obsecramus in Domino, in remissionem ei peccaminum injungentes, ut vos benigne pertractet, et justas petitiones vestras clementer admittat: sic et vos ipsi congaudendo cognoscatis eum divina gratia auxiliante in meliorem statum esse mutatum, ac per hoc vos et hæredes vestri sibi et successoribus suis debeatis promptius et devocius famulari. Quocirca nobilitatem vestram rogandam duximus et monendam, per Apostolica vobis scripta mandantes, quatinus tales in hoc vos exhibere curetis, quod Regnum *Angliæ* optata pace lætetur, et nos in necessitatibus vestris cum opus fuerit, necessarium vobis impendere debeamus auxilium et favorem. Dat. *Laterani*, 14 Kal. *Aprilis*, Pontificatus nostri anno octodecimo. Pat. 16 Johan. m. 1. dorso.

* Yet the Bishops and all his other Subjects must thus conspire, &c. against him. before his Charter of resignation, by this Popes instigation, to effect his designs against him.

* *Nota.*

If Pope *Innocent* himself, or his predecessors before, or successors after him, had observed these instructions he gave to the Archbishops, Bishops and Nobles of *England*, there had not been one quarter so many Rebellions and insurrections against King *John* and other Christian Kings, Emperors in *England*, *Germany*, *Italy*, *France*, and other Kingdomes, as there have been by Popes contrary Bulls and Epistles, exciting them to rebell and take up arms against their Soveraigns, to depose or expell them by force, for not submitting to their Papal usurpations over, or antichristian Edicts, Censures denounced against them.

The Barons notwithstanding this Papal *Bull* persisting in their armed violence and Rebellion against the King, the Pope thereupon in *July* following sent this ensuing * *Bull* to the universality of the Barons and Commonalty of *England*.

* The original whereof I found in the White Tower, somewhat defaced in the first lines. An. 16 Regis Joh. in Turre London.

INNOCENTIUS Episcopus, nobilibus viris universitati Baronum *Angliæ* hanc paginam inspecturis, salutem & Apostolicam benedictionem. De partibus *Angliæ* nuper auribus nostris rumor accessit ——— Regni *Angliæ* sed etiam aliorum ——— quosdam inter eos & carissimum ——— esset cum humilitate ac devotione ——— super hoc iidem Barones suos ad nos nuncios destinassent; & nos (venerabilibus * patribus *Cantuariensi* Archiepiscopo, et Episcopis, Archidiaconis) audissemus literis in præceptis, ut conspirationes et conjurationes præsumptas a tempore suboriæ discordiæ inter Regnum et Sacerdotium Apostolica (denunciaret authoritate cassatas per excommunicationem inhibentes) ne talia de cætero temptarentur; injungerent Baronibus antedictis ut per devotionis et humilitatis indicia tam animum Regis placare quam reconciliare sibi studerent; et si quid ab eo ducerent postulandum, conservando sibi Regalem honorem, exhibendo servitia debita, quibus ipse Rex non debebat absque judicio spoliari; ac insuper moneri mandavimus Regi præfato in remissione peccaminum sibi injungendo, quatinus benigne pertractans nobiles antedictos, justas petitiones eorum clementer admitteret, plena eis in veniendo, morando ac recedendo securitate concessa pariter atque data. Ita quod si forte non posset inter eos concordia

* Tom. 2. p. 337, 341.

* See Tom. 2. p. 341. Mat. Paris, Hist. Angl. p. 156, 157.

An. 16 Johan. *Regis.*

cordia provenire, in Curia sua per pares eorum secundum Regni consuetudines atque leges, mota deberet dissentio terminari, Barones ipsi, nostro non expectato responso, postquam idem Rex signum Crucis assumpsit in subsidium Terræ sanctæ, contemptu justitiæ, quum ipse Rex superhabundanter offerebat eisdem, contra dominum suum arma movere temeritate nefaria præsumpserunt, non timentes taliter Crucis negotium impedire, ac Regni periculum procurare, cum pecunia quam pro liberatione Terræ sanctæ deberet expendere, in destructionem etiam terræ suæ

* *Nota.*

profundere compellatur: Quodque nefandum est et absurdum, cum ipse Rex quasi perversus Deum et Ecclesiam offendebat, illi assistebant eidem; cum autem conversus Deo et Ecclesiæ satisfecit, ipsum impugnare præsumunt: sicque videtur quod conspirationem inhierint detestandam, ut eum taliter de Regno possint ejicere, dominio et fidelitate sibi præstitis penitus violatis; quod quam crudele sit actu, et horrendum auditu, cum pernicioli exempli materia sit et causa nostris temporibus inaudita, manifeste cognoscit quicumque judicio utitur rationis: Unde valde dolendum exstitit cum hoc in injuriam summi Dei, Ecclesiæ *Romanæ*, ac nostrum contemptum, Regis et Regni obprobrium et periculum, et Terræ sanctæ ad cujus subsidium se devoverat Rex præfatus, nimium detrimentum redundet. Cum igitur debeamus & libenter velimus pacem Regni *Angliæ* procurare, ipsius turbationes propellere, ac dicti Regis QUI VASSALLUS NOSTER EXISTIT conservare justitias, et injurias propulsare; maxime cum idem propter caractherem Crucis assumptum sub nostra protectione specialiter consistat, præfatis Archiepiscopo et Suffraganeis ejus in obedientiæ virtute districte dedimus in præceptis, quatinus, nisi præfati Barones infra octo dies post susceptionem literarum nostrarum ab eis vel aliquo ipsorum diligenter admoniti, receperint et servaverint formam descriptam superius a nunciis eorum præsentibus cum multa deliberatione provisam, iidem, omni cavillatione postposita, eos et fautores ipsorum sublato cujuslibet contradictionis et appellationis obstaculo, excommunicationis mucrone percellant, et terras illorum Ecclesiastico subjiciant Interdicto, facientes utramque sententiam per totam *Angliam* singulis diebus Dominicis et festivis sollempniter publicari. Ne igitur propter quosdam perversos universitatis sinceritas in *Anglia* corrumpatur, quæ hactenus ab infidelitatis contagio fuit prorsus immunis, universitati vestræ per Apostolica scripta præcipiendo mandamus, et in remissionem injungimus peccatorum, quatinus præfato Regi adversus perversores hujusmodi opportunum impendatis auxilium et favorem, ita quod in confusionem ipsius et aliorum Regnorum non possit tanta nequitia prævalere, sed tempestate sedata, Regnum ipsum optata tranquillitate lætetur. Scientes pro certo, quod si Rex ipse remissus esset aut tepidus in hac parte, nos Regnum *Angliæ* non pateremur ad tantam ignominiam et vilitatem deduci, cum sciamus per Dei gratiam et possumus talium insolentiam castigare. Dat. *Terentini*, 14 Kal. *Julii*, Pontificatus nostri anno octodecimo.

From this memorable *Bull* not (extant in any of our Historians) we may observe, 1. This Popes zealous censures of and declamations against all undutifull, contemptuous proceedings, conspiracies, insurrections of the Barons against K. *John*, to extort their demanded liberties from him by force of armes, not by humble petitions, dutifulness and obedience to him as their Soveraign, after he became his sworn Vassal; diametrically contrary to his *Bulls*, *Excommunications*, *Interdicts* and *Excitations* of his own Subjects, Barons, Prelates and the *French* King against him, to depose & un-King him before he surrendred his Crown, Kingdoms to, and resumed them from him by his detestable Charter. 2ly. That King *John's* Charter and subjection of his Crown, Realm to the Pope and Church of *Rome*, as their Vassal, was the principal cause of his Barons and Nobles insurrections against him, and that in contempt of the Pope, Church of *Rome* and their anti-monarchical usurpations, who for the most part constantly adhered to him against the Pope during the *Interdict* and his *Excommunication*. Therefore doubtless they never assented to, but opposed his Charter of Resignation, and this clause inserted into it, De consensu omnium Baronum suorum, must needs be a forgery, as this his *Bull* demonstrates. 3ly. That the ground of these his *Bulls*, was not any real piety or zeal to God, or King *John*; but because he was *HIS VASSAL*, and under his Papal protection, as Crossed to relieve the *Holy Land*. 4ly. This Popes Antichristian spirit, pride, insolency, in denouncing *Excommunications* and *Interdicts* not onely against the Barons, but menacing

menacing to chastise King *John* himself, in case he were remiss or cold in executing what he prescribed by this *Bull* for the Barons just satisfaction, and the Kingdomes tranquillity. *An.* 16 Johan. *Regis.*

I shall here present you with the greatest part of a memorable Letter (the residue being illegible) which I found in the *White Tower* Chappel, sent from *Rome* to King *John* by *W. Mauclere* his devoted Clerk and messenger by whom he sent Letters to the Pope, rendring this account of his negotiation, and of the Popes, Cardinals and Barons proceedings and complaints against him by the Barons Proctors in the Court of *Rome*, and the affairs of the Emperour his Nephew, worthy publick view.

An. 16 Johan. Regis, in Turre Lond.

REverendo Domino suo *J.* Dei gratia Rex *Angliæ*, Dominus *Hyberniæ*, Duci *Norman. Aquit.* & Com. *Andegav.* suus *W. Mauclero* semper valere, fidelis & devotus Clericus salutem & cum debita subjectione semper fidele servicium. Noverit excellentia vestra, Domine reverende, quod quamvis magna infirmitate in itinere essem detentus, tandem Dei gratia securus & incolumis die *Martis* prox. ante festum Beati *Michaelis* Apostoli *Romam* veni; & inveni Dom. Papam apud *Lateranum*, & eodem die accessi ad eum, et eum ex parte vestra cum debita reverentia salutavi, et literas vestras porrexi; quas ipse benigne suscipiens, et diligenter inquisivit de statu vestro, ac de pace Regni vestri. Cum autem per responsionem meam intelligeret, quod omnia circa personam vestram bene haberent, multum gavisus est, gratias inde referens Altissimo. Set postea, scilicet die Sabbati prox. ante diem Cinerum, venerunt ad Curiam *Johannes de Roreby* Clericus, *Eustachius de Vescy*, & quidam Capellanus dictus de *Paris*, *Johannes* Sancti *Osberti* nomine, deferentes literas Magnatum *Angliæ*, super literas illas in recessu latoris præsentium Dominus Papa nondum audivit, & quid in literis illis contineatur nondum plenè mihi constiterat: Set hoc scio pro vero, sicut didici ex relatione Dom. *Johannis de Columpna* fidelissimi amici vestri, et relatione aliorum amicorum vestrorum, quod Magnates *Angliæ*, scilicet Borcales, & ut prædicti Nuncii dicunt Papæ, omnes Barones totius *Angliæ* instanter Domino Papæ supplicant, quod cum ipse sit Dominus *Angliæ*, vos diligenter admoneret, et si necesse fuerit compellat, antiquas Libertates suas per Cartas antecessorum vestrorum et proprio juramento vestro confirmatas, eis illæsas conservare. Dicunt autem prædicti Nuncii, quod cum vos a prædictis Baronibus inde requisiti fueritis in Epiphania Domini apud *London*, spreto proprio sacramento vestro, non tantum libertates suas antiquas et consuetas eis concedere contempsistis, immo voluistis quod ipsi vobis promitterent, et etiam per Cartas suas darent, quod nunquam de cætero tales libertates a vobis vel successoribus vestris exigerent. Quod omnes Barones præter Dominum *Wynthon*, & Comitem *Cestriæ*, & *Willielmum Briwerr* hoc facere renuerent: Supplicant autem Domino Papæ, quod ipse super hiis eis provideret; cum satis constet ei, quod ipsi audacter pro libertate Ecclesiæ ad mandatum suum se vobis opponerent, et quod vos annuum redditum Domino Papæ et Ecclesiæ *Romanæ* concessistis, et alios honores quos ei et *Romanæ* Ecclesiæ exhibuistis, non sponte, nec ex devotione, imo ex timore et per eos coactus, fecistis. Doleo autem Domine, quod tales rumores oportet me Excellentiæ vestræ significare; Set quia credo, quod expedit honori vestro, quod vobis super hoc caute quàm citius poteritis provideatis, nullo modo ausus fui tacere. Præterea sciatis Domine quod multum desiderant amici vestri, Dominus *Camerarius*, & Dom. *Johannes de Columpna*, quod vos Domino Imperatori Nepoti vestro efficax consilium impendatis. Dicitur autem in Curia, quod in bono statu esset si haberet pecuniam, quia multi de Magnatibus Imperii ad fidelitatem ejus redeunt. Et ut nobis quantum ——— ipse Dominus *Moirguntinus* ——— *Fredericus* verò *G.* pacem fecit cum Imperatore, & est de familia ipsius, ut dicitur, in Curia. Præterea sciatis Domine ——— treugarum quærelæ ——— quod pro reverentia vestra, tantam inveni gratiam tam in conspectu Domini Papæ, quam in oculis omnium Cardinalium, quod dicitur in Curia, quod non fuerit aliquis, &c. omnes Cardinales qui ——— uberius ——— de tua vestra gratiam inveniret ——— qui & ——— gratiam invenio ——— Domino *Ph. de Colet*, & fidelitatis ——— pro amore vestro fecerunt: Et sciatis, quod Dom. Papa et omnes Cardinales doluerunt quod non potui negocium meum, quod dicto *Ph. de Colet* per vestras ostenditur (*the next line is ille-*

Nota.

An. 16 Johan. *Regis.*

is illegible in most words) ——— Et sciatis ——— quod non habui adversarium in Curia, set quod potuit in ——— benigne Dominus Papa. Scribatur autem Domino Papæ Judicibus quod Magister *W.* ——— *(the two next lines are illegible)* ——— Miratur Dominus Papa & amici vestri in Curia quod Nuncii vestri ad Curiam non venerunt, & consilio quantum audio, quod nisi ——— *(about 7 lines more are illegible.)*

The close of the Letter concerns the advancement of some particular person to a Deanry, whose preferment the Pope and Cardinals did most desire, and the suspension of another, with some advice concerning it; which is so sullied and defaced, that I think fitter to omit, then to present some broken fragments of it. From the former part thereof concerning the Barons complaint and suggestions to the Pope against the King, it is observable; First, that the Pope made use of the Barons as well as the Bishops to enforce the King to make his detestable Charter of his Crown, Realm, and resume them from him under an annual rent, sore against his will; which they used as the strongest inducement to perswade the Pope to compell K. *John* to grant and confirm those Charters, Liberties to them which they contested for. Therefore this Clause inserted into his Charter by the Popes Agents; Non vi inducti, nec timore coacti, set nostra bona, spontaneaque voluntate offerimus et libere concedimus Deo et sanctis Apostolis ejus, *&c.* must needs be a notorious falshood. 2ly. That the King after this detestable Charter and surrender, made use of the Popes power, Bulls, Excommunications and Interdicts to curb the Barons and Archbishop, and * *null the Charter of Liberties* they forcibly extorted from him, and to enforce them to disclaim them. Such an *ambidexter* was he to promote his own usurped authority over them both, as his Vassals, and make them the new instruments of their own servitude and bondage.

* See Tom. 2. p. 340, to 348.

Tom. 2. pag. 356. l. 28. after *Aprilis*, adde; I find this special License to elect a Bishop, granted by the King to the Chapter of *Bangor* upon their petition, wherein hee recommended a Pastor to them, whom they thereupon elected.

Pat. 16 Johan. pars spissima. m. 5. n. 33.

REX dilecto sibi Capitulo *Bangorensis* Ecclesiæ, *&c.* Literas vestras clausas suscepimus continentes in pluribus, ut licentiam eligendi pastorem vobis concederemus. Et licet hoc facere * non consueverimus, tamen ad preces vestras licentiam eligendi quam postulastis vobis concedimus; rogantes, quatinus Abbatem de *Alba Landa* vobis eligatis in pastorem, et cum elegeritis, mittatis nobis literas vestras patentes et testificantes, quod ipsum elegeritis ad petitionem nostram, et nostrum electioni vestræ petetis assensum adhiberi. Et in hujus, *&c.* vobis mittimus. Teste meipso apud *Sutton*, 13 die *Marcii*, anno regni nostri 16.

* The King conferred Bishopricks before, without Petitions or *Congé-delliers.*

The effect whereof in complying with the King, is thus recorded.

Ibid. m. 4.

ARchiepiscopo *Cantuariensi* Rex, *&c.* Sciatis quod Canonici de *Bangor* invocata Spiritus Sancti gratia, unanimiter elegerunt sibi in Episcopum & Pastorem laudabilem virum *C.* Abbatem de *Alba Landa:* Nos autem huic electioni regium impendentes favorem, paternitati vestræ supplicamus rogantes, ut eidem Electo munus consecrationis impartiri velitis. Teste meipso apud *Oxoniam*, 13 die *Aprilis.*

The Prior and Covent of *Ely* electing *Robert* of *York* the same year for their Bishop, contrary to the Kings pleasure and Royal dignity, he thereupon sent three Prohibitions and Appeals against it: one to the person elected, not to accept of his election or confirmation to it; another to the Archbishop, not to confirm his election; a third to the Prior and Monks, not to proceed in the election; and committed the Temporalties of the Bishoprick during his pleasure, to his own special Trustees, as these Records assure us.

Pat. 16 Johan. m. 4. vel 5.

REX Magistro *Roberto* de *Eborum*, &c. Audivimus quod Prior & Conventus *Elienses* de persona vestra nominationem quandam fecerunt de electione sibi facienda in Episcopum: Et quoniam jamdudum sæpius tam in Capitulo eorum, quam alibi, pro jure nostro et Regia dignitate appellavimus, et postmodum appellationes easdem innovavimus, cum ista nominatio de persona vestra facta nostræ dignitati contraria esse dignoscatur, appellamus: prohibentes vobis ne ad electionem vel confirmationem procedatis, nec circa personam vestram super hoc ad promotionem vestram aliquid contra dignitatem Regiam statuatur. Et ad appellationem nostram innovandam mittimus fideles Clericos nostros *Robertum de Aremes*, & *Jocelinum de*

Alta

Altaripa. Et in hujus, *&c.* vobis inde mittimus. Teste meipso apud *Rading.* 14 die *Aprilis*, anno regni nostri 16. *An.* 16 Johan. *Regis.*

VEnerabili in Christo patri *S.* Dei gratia *Cantuariensi* Archiepiscopo, *&c. J.* eadem gratia Rex *Angliæ*, &c. salutem. Audivimus quod Monachi *Elienses* contra appellationem a nobis pro dignitatibus nostris ad Dominum Papam dudum interpositam, et postmodum coram vobis et alibi multoties innovatam, quantum in eis est Magistrum *Robertum* de *Eborum* nominarunt. Quia vero hoc contra nos et dignitates nostras expresse factum esse reputamus, ad sedem Apostolicam appellamus, ne illam nominationem sive electionem, si tamen eam pro electione habeatis, confirmetis. Et ad hanc & alias appellationes innovandas latores præsentium *Paganum* & *H. de Vec.* paternitati vestræ transmittimus. Et in hujus, *&c.* vobis mittimus. Teste meipso apud *Radinges*, 14 die *Aprilis*, anno regni nostri 16. Ibid. n. 26.

REX Priori & Conventui *Elien.* &c. Sciatis vobis constat nos sæpius tàm in Capitulo vestro quàm alibi, pro jure nostro appellasse, ne quid contra dignitatem et libertatem Regiam fieret super electione in Ecclesia vestra facienda, et appellationes nostras innovasse. Et quoniam datum est nobis intelligi, vos nominationem quandam fecisse de *Roberto* de *Eborum* vobis in Episcopum eligendo, adhuc appellationes nostras innovavimus, prohibentes ne contra dignitatem nostram in electione aliqua circa personam præfati *R.* vel alicujus alterius procedatis. Et in hujus, *&c.* vobis mittimus. Teste meipso apud *Radinges*, 14 die *Aprilis*, anno regni nostri 16. Ad has autem appellationes innovandas ad vos mittimus Magistrum *Robertum de Aremes*, & Magistrum *Jocelinum de Altaripa.* Teste eodem. Ibidem.

REX Militibus & liberè tenentibus & omnibus aliis ad Episcopatum *Elienſem* pertinentibus, salutem. Sciatis quod commisimus dilectis & fidelibus nostris *Radulpho de Normanvill*, & *Roberto de Kancia* Episcopatum *Elienſem* custodiendum, quamdiu nobis placuerit. Et ideo vobis mandamus, quod eis sitis intendentes & aliis negotiis nostris quæ ipsi vobis dicent. Et in hujus, *&c.* vobis mittimus. Teste meipso apud *Walingeford*, 14 die *Aprilis.* Ibidem.

Tom. 2. p. 357. l. 41. after *discrimen*, insert; Pope *Innocent* the 4th. under pretext to relieve the *Holy Land*, but in truth to exercise and enlarge his Papal Jurisdiction over Kings and Kingdoms, enjoyned King *John* and the King of *France* to make a *Truce*, under pain of inflicting his Ecclesiastical Censures on them, as this Bull and Epistle of his to King *John*, not formerly printed, informs us.

INNOCENTIUS Episcopus servus servorum Dei karissimo in Christo filio *J.* illustri Regi *Anglorum*, salutem & Apostolicam benedictionem. Cum ex guerra quæ vertitur inter te & karissimum in Christo filium nostrum *Philippum Francorum* Regem illustrem, impediatur Terræ Sanctæ succursus, ad quem pro salute populi Christiani, ardentissime aspiramus, aliaque innumera timeantur ex ea pericula proventura; Nos Apostolicæ servitutis debito provocati, ad reformationem pacis intendimus interponere partes nostras, unde consulitur nobis a viris prudentibus et honestis, quatinus tibi ac præfato *Francorum* Regi firmiter injungamus,* per censuram Ecclesiasticam vos, si necesse fuerit, compellendo, ut pro tot et tantis periculis evitandis, treugas incatis et observetis adinvicem, saltem usque post generale Concilium in proximo celebrandum, rebus in eo statu manentibus in quo erint cum ipsæ treugæ à partibus firmabuntur. Et duo mediatores pacis absque malicia eligantur, qui fideliter interim tractent de concordia reformanda: Quæ, si forte provenire non posset, nostro vos arbitrio committatis, præfixis super hiis cautionibus quæ tanto aut tali negocio fuerint opportunæ, ut extunc ad tam periculosam discordiam sopiendam nos ipsi personaliter intendamus. Quocirca serenitatem Regiam rogamus, monemus & exhortamur in Domino, quatinus habita super his deliberatione prudenti, nobis non differas per idoneum nunciam respondere. Dat. *Romæ*, apud Sanctum *Petrum*, 10 Kal. *Maii*, Pontificatus nostri anno septimo-decimo. Pat. 16 Johan. m. 17.

* See Tom. 1. Epistle Dedicatory, and Tom. 2. p. 6.

These Popish Trayterous Prelates were so harsh and ungratefull to King *John*, that after their restitution and reparation, they stirred up several Abbots to demand what they freely gave the King during the Interdict, as if he had took it away by force; whereupon he writ thus to them, not to demand restitution thereof, but remit it, being freely given to him.

REX Abbatibus, Prioribus, & Clericis in Episcopatu *Elyensi* constitutis, salutem. Memoriter retinemus & benè recolimus quod vobis tenemur in multis, et maxime Pat. 16 Johan. m. 10.

An. 16 & 17 Joh. *Regis.*

maxime in bijs quæ nobis dedistis tempore Interdicti, et quæ tunc ablata vocantur. Et vos rogamus, ut ea quæ nobis dedistis, nunc nobis remittatis data, non repetendo, set ex mera liberalitate vestra ea nobis concedatis, ut ad gratiarum vobis teneamur actiones, et de cætero vobis obnoxiores efficiamur. Et quid ex mera liberalitate vestra nobis facere volueritis, per dilectos et fideles *Simonem* de *Insula*, *Gaufemara* de *Bassingebarne*, & Archidiaconum *Sarrum* nobis significetis. Teste meipso apud *Novum Templum London.* 22 die *Novembris.*

An. 17 Johan. *Regis.*

* Anno 1215. p. 98.

Tom. 2. p. 351. l. 38. after *Sword*, this should have followed. * *Mat. Westminster* renders us this account of this Kings military proceedings against the Barons, and sad consequence of this unhappy Civil War, as well to the Bishops and Clergy as Barons and Laity. *Stipatus igitur agmine detestabili alienigenarum, cujus Dux & præceptor* Falcasius de Breaute, *vir quidem ignobilis, & genitura bastardus, Neuter genere constitutus est*; *Rex* Johannes *furia invectus, partes* Angliæ *Aquilonares cœpit devastare, Castra Baronum vel dirnere, vel sibi mancipare. Aulas & municipia immisericorditer, quæ Baronum fuerant, concremare, incolas excogitatis tormentis, ut pecuniam extorqueret, exagitare, ità ut videretur Dominus furore iratsci populo suo*, et hæreditatem suam abominari: ubique luctus, ubique miseria. Factus est Sacerdos

* *septa.*

ut populus, et * sceptra Ecclesiæ prophanantur. Proscribuntur Episcopi, effugientibus pastoribus gregum agmina disperguntur. *Eodem tempore*, quia fuit coæreptor, et in quo potuit, coærector Regis *Johannis*, semper tamen recalcitrantis, ab officio suspensus est *Stephanus Cantuar.* Archiepiscopus, quasi esset fautor adversariorum vassalli Domini Papæ, *scil.* Regis *Johannis*, per omnia desipientis. In Concilio etiam generali suspensionem prænotatam Dominus Papa confirmavit. Tandem vir, multis tamen elaborantibus, meruit idem Archiepiscopus absolutionis beneficium obtinere. * *Interea afflicta est* Anglia *afflictione magna, dum nobilium mulieres ludibrio traderentur, domus combrerentur, sylvæ succiderentur, terra alienis donarentur*, pecunia a quovis, tormentis exquisitis, extorqueretur. *Depopulata est Insula* Eliensis *per* Falcasium, qui etiam Ecclesiam ipsam Cathedralem equum insidens, evaginato gladio irreverenter intravit, extrahensque inde nobiles viros et matronas, necnon et Clericos, ipsumque Dominum Stephanum Riddel, *virum clarissimæ famæ, honestum & dapsilem*, ad gravissimam compulit redemptionem. *Et dum talia agerentur, ad instantiam Regis*, qui quasi ad Dominum suum Papam nuncios crebro destinavit, ipse Summus Pontifex, ut vassallum suum novum, novus Dominus protegeret viriliter et efficaciter, Barones *Angliæ*, quos prius excommunicavit in genere,

* See Tom. 2. p. 359, 360.

jam iterato excommunicavit * nominatim, et in specie. *Barones autem, jam in arcto constituti, postquam cognoverunt*, quod Dominum Papam pro subjectione regni, et vassalagio Regis inclinati validum haberent persecutorem, quem prius habuerunt defensorem: Ludovicum, *primogenitum* Philippi *Regis* Francorum, *sibi in Regem electum diutim expectarunt. Cui obsides cum Chartis, & aliis obligationum generibus de fidelitate, & ligantia transmissis, solennibus legationibus destinarunt, qui parandis præparatis adventum maturavit. Rex verò* Johannes, *audiens de adventu* Ludovici *in* Angliam, Cantuariam *advolavit. Et interim applicuit* Gualo *Legatus*, missus a Domino Papa Innocentio 3. ad tuitionem Regis Johannis. *Qui transitu facto per Regem* Francorum Philippum, ex parte Domini Papæ omnibus modis dissuaserat, *ne filium suum* Ludovicum *in succursum excommunicatorum transmitteret*, ne Ecclesia Romana patrimonio suo privaretur. *Quod cum intellexisset Rex* Philippus, *hoc de regno* Angliæ *dictum fuisse, ita mox respondit*; Regnum Angliæ patrimonium Petri, vel Ecclesiæ Romanæ nunquam fuit, nec est, nec erit.

Tom. 2. p. 360. l. 4. after *XVIII.* adde: To procure this Excommunication and Interdict, and the Popes confirmation of his Charters of Queen *Berengaria* her *dower*, K. *John* dispatched *Pandulph*, the Popes Legat, and several Proctors to *Rome* to Pope *Innocent*; as these ensuing Records and Letters attest; wherein he complained, that the Barons who were devoted to him before he surrendred and subjected his Realm to the Pope, had since for that very reason, as they publickly protested, most violently risen up in rebellion against him, imploring his ayde and protection of Himself and Realm against them; and the obstinacy, disobedience of his treacherous Prelates, who hindred the good effects of his former care and endeavours to protect and support him; for which he returned him all possible thanks.

Pat. 17 Johan. m. 16.

REverendo Domino suo & Patri sanctissimo *J.* Dei gratia Summo Pontifici *J.* eadem gratia Rex *Angliæ*, &c. salutem & debitam tanto Domino ac Patri reverentiam.

rentiam. Cum Comites et Barones *Angliæ* nobis devoti essent antequam nos et nostram terram Dominio vestro subjicere curassemus, extunc in nos specialiter * ob hoc, sicut publice dicunt, violenter insurgunt. Nos vero post Deum vos specialem Dominum et Patronum habentes, defensionem nostram et totius Regni (quod vestrum est) esse credimus vestræ paternitati commissam, et nos quantum in nobis est Curam et sollicitudinem illam vestræ reservamus dominationi; devotius supplicantes, quatinus in negotiis nostris quæ vestra sunt consilium et auxilium efficax apponatis, prout melius videritis expedire. Latores præsencium venerabiles Patres *W. Burdegal.* & *H. Dublin.* Archiepiscopos, Magistrum *R.* Canc. nostrum, Abbatem *Belli Loci:* Magistrum *P. Ebor.* Ecclesiæ Præcentorem, & *H.* Archidiaconum, & Magistrum *R. de Arenio* Canonicum *Eborum*, & Nobiles viros *J. Mareschallum*, & *G. Luterell* fideles nostros, quos propter hoc ad pedes vestros transmittimus benignius exaudientes. Nos enim super omnibus quæ ad nos et Regnum nostrum pertinent vices nostras et auctoritatem sanctitati vestræ committimus. Ratum habituri et firmum quicquid inde cum consilio nunciorum nostrorum duxeritis ordinandum. Teste meipso apud *Doveram*, 13 die *Septembris*. (*A strange enforced condescention.*) *An.* 17 Johan. *Regis.* * *Nota.*

What fruit and effects these Letters and Proctors produced for the Kings and Kingdomes defence against the Barons, you heard out of *Matthew Paris*: what his other Complaints were against his refractory Bishops, this his memorable Letter to the Pope will inform us.

ITem, Domino Papæ, &c. In conspectu Paternitatis vestræ nos humiliamus, ad grates multiplices prout melius scimus et possumus exhibendas, pro Cura et sollicitudine quam ad defensionem nostram et Regni nostri *Angliæ*, Paterna vestra benevolencia indesinenter apponit, licet * duricia Prælatorum *Angliæ* atque inobediencia maliciose impediant piæ vestræ provisionis effectum. Nos tamen pro affectu sincero quem ad nos geritis clementiæ vestræ devocius inclinamus, qui etsi ad præsens a superbis et a malevolis ad insipiencíam sibi censeatur inefficax, nobis erit Domino concedente ad tuicionem et pacem, et inimicis nostris confusionem et terrorem inducet. Et licet Dominus *Pandulphus* fidelis Subdiaconus vester *Norwicensis* Electus nobis pernecessarius esset in *Anglia*, utpote qui honorem Ecclesiæ *Romanæ* ac vestrum, et totius Regni nostri fideliter et devote procurat, quia tamen nullo modo de statu nostro et Regni paternitas vestra certificari poterit melius quam per ipsum, ad pedes vestros eundem destinamus invitum, devocius supplicantes quatinus per ipsum specialiter, et per alios fideles nostros illatæ vobis in persona nostra injuriæ, veritate comperta ad regimen Regni nostri et nostræ observandam dignitatis paternæ manum sollicitudinis apponatis, prout excellenz vestra discrecio viderit expedire, quod per Dei gratiam laudabiliter facitis et fecistis. Pro certo habentes, quod post Deum personam vestram et auctoritatem Apostolicæ Sedis habemus unicum et singulare præsidium, et sub vestri confidencia patrocinii respiramus, (*after he became their Vassal*) Teste, &c. Pat. 17 Johan. m. 15. dorso. * *Nota.*

DOmino Papæ, &c. Erga Sedem Apostolicam habentes multa proponere, et per Dei gratiam et vestram plurima impetrare, coram vobis in propria persona nostra summo desiderio desideravimus interesse: quia tamen juxta hujus voluntatis nostræ desiderium, impediente locorum difficultate pariter & Viarum, necnon perturbatione Regni nostri quam ex inopinato patimur, coram præsentia vestræ sanctitatis in propria persona nostra comparere non possumus, * venerabiles Patres nostros *Burdeg.* & *H. Dublin.* Archiepiscopos, Magistrum *R.* de *Mar.* Cancellarium nostrum, & Nobiles viros *J. Mareschal.* & *G. Luterell* præsencium portitores ad Sedem Apostolicam destinamus, quos ita Procuratores constituimus in Causis et negotiis quæ sive de *Anglia*, sive aliunde habemus, sive habuimus in Curia *Romana* expedienda, sive in agendo, sive defendendo, acti singula singulariter expressa fuissent, non tantum illis generalem sed administracionem liberam in omnibus concedentes. Ratum habituri & gratum quicquid per jam dictos Procuratores, aut tres, aut saltem duos eorum in vestra præsencia factum erit. Promittimus etiam pro eis judicatum solvi, si opus fuerit. Hæc ita Sanctitati vestræ significanda duximus, ut eadem adversariis nostris, si qui in præsentia vestra apparuerint intimentur. Teste, &c. Pat. 17 Johan. m. 15 dorso. * Idcirco.

ITem, Domino Papæ, &c. *omnia ut supra usque huc*: venerabiles Patres nostros *W. Burdegal.* & *H. Dublin.* Archiepiscopos, Magistrum *R.* de *Mar.* Cancellar. nostrum, Abbatem *Belli Loci Reg.* Magistrum *B. Ebor.* Ecclesiæ Præcentorem, & *H.* Ibidem.

An. 17 Johan. *Regis.*

Archidiaconum, & Magistrum *R.* de *Aren.* Canonicum *Ebor.* & Nobiles viros *F. Marescallum*, & *G. Luterell* fideles nostros pro negotiis nostris quæ habemus vel habuerimus in Curia *Romana* expedienda, sive de *Anglia*, sive aliunde, ad Sedem Apostolicam Nuncios destinamus, quibus si placet Apostolicæ serenitatis gratiam exhibentes, in his qui ex parte nostra, & pro nobis paternitati vestræ proposuerint indubitanter credatis, & eos in nostris istis peticionibus clementer audire & paternaliter exaudire velitis. Teste, *&c.*

King *John* having at this time made two Charters touching the Dower of Queen *Berengaria*, wife to his deceased Brother King *Richard* the 1. sent them by these his Proctors to the Pope to procure his confirmation of them, according to his Covenant therein specified.

Pat. 17 Johan. m. 16. dorso.

REverendo Domino suo & Patri in Christo sanctissimo *Innocentio* Dei gracia Summo Pontifici, *Johannes* eadem gracia Rex *Angl. &c.* & debitam tanto Domino & Patre cum devocione reverenciam. Mittimus, Pater sanctissime, transcriptum Convencionis factæ inter nos & Reginam *Berengariam*, de verbo in verbum, cujus tenor talis est. *J.* Dei gratia Rex *Anglorum*, *&c.* Omnibus ad quos præsens scriptum pervenerit, salutem:. Sciatis, ita conveniſſe inter nos & Dominam Reginam *Berengariam* quondam uxorem Domini *Richardi* Regis Fratris nostri, de dote sua quam petebat, & de quadam quæstione quæ quondam inter nos & ipsam facta fuit super eadem dote, de qua mille Marcas de nobis recipere debebat annuatim, videlicet; quod nos modo ad præsens damus ei duo millia Marc. pro omnibus arreragiis, & pro solucione præsentis anni, & de cætero dabimus ei annuatim mille Libras bonorum & legalium sterlingorum; scilicet quingentas Libras in festo Omnium Sanctorum, & quingentas Libras in festo Ascensionis. Hanc autem pecuniam solvemus ei in domo *Novi Templi* apud *London.* Licebit autem eidem Dominæ Reginæ repetere dotalicium suum ab omni detentore extra Regnum *Angliæ*, præterquam à nobis & Successoribus nostris, & nos de hoc non erimus contra eam, nisi nos teneamur de jure illud ei warrantizare; & neque nos, neque Successores nostri poterimus capere in manum nostram res illas super quibus ipsa in causam traxerit detentores, salvo nobis & hæredibus nostris post ejus obitum jure nostro. Concedimus eciam quod ipsa Regina & homines de familia ejus liberum habeant omni tempore introitum in terram nostram & exitum ab eadem, possintque ibi morari quamdiu voluerint, & tam eos quam omnes res eorum salvum conductum nostrum & fidelem securitatē nostram recipiemus inveniendo, in redeundo, & morando, præstito sacramento, quod per eos nobis malum non eveniet aut Regno. Concedimus eciam quod in omnibus portubus maris liberum habeant transitum quando voluerint, prohibentes quod nullus Ballivorum vel hominum nostrorum ipsos impediat, vel consuetudinem recipiat ab eisdem. Composicionem autem facimus tam pro nobis quam hæredibus nostris; statuentes quod si forte, quod absit, nos vel aliquis Successorum nostrorum ipsam Convencionem infringeremus, quod facere non possumus salva fide, & infra *xl.* dies commoniti, nos vel Justic arius noster si extra Regnum fuerimus, id non emendaverimus, dotalicium suum integrè restituere teneamur eidem omni dilacione & occasione remota. Præterea fecimus iurare in animam nostram *Gaudefridum Lauterell*, Militem nostrum, quod omnia quæ in Carta ista continentur observabimus illibata. Et ad majorem securitatem ea omnia a Domino Papa confirmari impetrabimus. Rogamus eciam Dominum Papam et humiliter petimus, ut præsenti Compositioni addat securitates quas viderit expedire, et nos ratum habebimus quicquid inde statuerit. Volumus eciam quod omnia fidelter observentur, & nolumus quod prædicta possit super hæc ab aliquo in posterum molestari. Et sciendum est, quod in hoc festo Omnium Sanctorum anno Regni nostri 17. solvemus dictæ Dominæ Reginæ primas quingentas libras de supradictis mille Libris sibi annuatim solvendis. His testibus Dominis *P. Winton*, & *S. Exon.* Episcopis, Magistro *Pand. Norwicensi* Electo, *H.* Abbate de *Bello-Loco*, Fratre *Alano Martell.* Magistro *P.* Archid. *Surr.* Dat. per manum Magistri *Ric.* de *Mar.* Cancellarii nostri apud *Dour.* 2. die *Septemb.* anno Regni nostri 17. Cum igitur, Pater reverende, volumus hanc Conventionem Sedis Apostolicæ munimen optinere, præces Sanctitati vestræ effundere decrevimus, supplicantes quatinus in majorem hujus Conventionis securitatem, eidem Convencioni quas videritis expedire securitates apponi jubeatis, facientes, si placet, eandem perpetuo Sedis Apostolicæ munimine gaudere. Teste meipso apud *Dour.* 11 die *Septemb.* a. r. n. 17.

Karissimo

KArissimo Domino suo & Patri in Christo sanctissimo: *I.* Dei gratia Summo Pontifici, *J.* eadem gratia Rex *Angliæ*, &c. Mittimus vobis, Pater reverende, transcriptum cujusdam Conventionis factæ inter nos & Dominam *Berengariam*, cujus de verbo in verbum tenor talis est. *J.* Dei gratia, *&c.* Omnibus, *&c.* Notum vobis facimus nos concessisse Dominæ *Berengariæ* quondam *Angl.* Reginæ Uxori Regis *Ricardi* Fratris nostri, quod si fortè per pacem suam cum Regæ *Franciæ*, vel aliquo modo Civitatem *Cenomann.* recuperare poterimus; ipsam habeat in tota vitâ sua & possideat, cum tota *Quinta* liberè, & in pace, & quietè. Concedimus eciam quod si Castra de *Segreio* & de *Mairenent* ad manum nostram devenerint in vita ipsius Reginæ, nos ei sine dilacione Castra illa restituemus. Habendum quamdiu vixerit tanquam partem dotalicii sui: & ut contra Compositionem nos vel Hæredes nostri venire aliquo modo non possimus, fecimus *Ganfridum Luterel* Militem nostrum jurare in animam nostram, et omnibus illis obligacionibus in hac Carta nos eidem Reginæ obligavimus quibus sumus ei obligata in alia Carta, in qua ei assignavimus mille Libras sterlingorum annuatim. Supplicamus eciam Dom. Papæ quod Cartam istam confirmet sicut et aliam, et addat eciam securitates quas viderit expedire, et Ratum habebimus quicquid inde statuerit. Testibus Dominis *P. Winton*, & *S. Exon.* Episcopis, Magistro *Pandulpho Norwicensi* Electo, Abbate de *Bello-Loco*, *Alano Martell*, *Hugone* de *Burgo* Justic. nostro. Dat. per manum Magistri *Ricardi* de *Mar.* Cancellar. nostri apud *Dour.* 4 die *Septemb.* anno regni nostri 17. Petimus igitur, sanctissime Pater, sanctæ Sedis Apostolicæ Conventionem istam muniminc roborari, et securitates quas videritis expedire addi eidem, quia quicquid inde vestra statuere providencia decreverit nos ratum habebimus. Teste meipso apud *Douram*, 4 die *Septemb.* a. r. n. 17. *Thus this holy Father the Pope must ratifie the King's Temporal Contracts, and adde what further Clauses and Securities to them he should deem meet, for this Queens satisfaction.* *An.* 17 & 18 Joh. *Regis.* Pat. 17 Johan. Regis, m. 16. dorso.

Tom. 2. p. 358. l. 49. after *Bull*, this should have followed. King *John* having sufficient experience of the treachery, perjury, disloyalty of most of his Bishops, Abbots, Clergy, by their Interdicting the Realm, procuring the Pope to excommunicate, depose him, and give away his Kingdom; and by their confederating with his Barons in their Wars against him, after their restitution, and his reconciliation to them notwithstanding their unparallel'd Treasons; did thereupon in the last year of his reign insert a new clause into his Licenses for electing Bishops, Abbots, Priors both in *England* and *Ireland*, as this Record assures us. *An.* 18 Johan. *Regis.*

REX Subpriori & Canonicis de *Coventre*, salutem. Suscepimus literas vestras per quas nobis significastis, quod Prior vester viam universæ carnis est ingressus, petentes à nobis licentiam Priorem vobis eligendi, unde licentiam vobis concedimus, mandantes quatinus talem virum & tam idoneum vobis unanimiter præficiatis in pastorem, qui nobis et regno nostro utilis sit ac fidelis, et domui vestræ competens et honestus. Teste meipso apud *Corff.* 29 die *Junii*, a. r. n. 18. *Which form hath been generally observed with very little variation in after ages.* Pat: 18 Johan. pars 1 & 2. m. 6. intus.

Tom. 2. p. 367. l. 6. after *death*, this should have been inserted: * *Ranulfus Cestrensis* renders us this account of K. *John*'s death, and what common fame there was that he was poysoned by a Monk. *Rex* Johannes 17 *regni sui anno, & sexto mense, obiit apud* Newerk *morbo dissenterico die Sancti* Calixti *Papæ, set apud* Croghton *Monasterium ordinis* Præmonstracensis *exenteratus est, & apud* Wygorniam *in medio Chori Monachorum sepultus.* Tradit tamen vulgata fama, quod apud Monasterium Swynhenede alborum Monachorum intoxicatus est. *Juraverat enim ibidem (ut asseritur) prudens*, quod panem tunc obolum valentem faceret infra annum si viveret 12 denarios valere. *Quod audiens*, unus de conversis fratribus loci illius venenum confecit, Regi porrexit, set et ipso sumpto prius viatico catholico simul cum Rege interiit. * *Henry de Knyghton* a Canon of *Leicester* superaddes another cause and way of poysoning him, and what became of him after his death: *Rex ipse* Johannes *ad Monasterium de* Swynsheued, *quod à Sancto* Botolpho *distat per quinque leucas, hospitandi causa declinaret. Audivit Abbatem ejusdem loci pulchram habere sororem, Priorissam cujusdam loci propinqui, accensusque ex more libidine, misit satellites suos ut eam adducerent ad se. Quod cum audisset Abbas frater ejus, tristis admodum effectus est, noluitque à fratribus consolationem accipere. Cui dixit unus conversus suus qui curam gerebat hospitii, & familiaris, & notus Domino Regi*, Quidnam habes Pater? cur decidit vultus tuus, & tristior solito est facies tua? *Cui Abbas*, Sororem habeo, *inquit*, unam, sponsam Christi, * Polychron. l. 7. c. 33. * De Event. Angl. l. 2. c. 15. col. 2425.

An. 18 Johan. *Regis.*

Christi, quam dilexi; Proponit eam deturpare Rex. *At ille*; Ignosce mihi pater, & ora pro me, et auferam vitam iniqui a terra, et timorem ipsius a conversatione hominum. *Cui ille*; Vellem hæc, *inquit*, fili mi; non tamen licet in personam Regis manum extendere. *Processit itaque conversus, & tulit pira nova, quibus ipsum Regem libenter vesci sciebat*, apposuitque venenum in singulis præter tria, quæ cum cæteris reposita optime denotabat. *Denique cum Rex sederet in mensa & confabularetur cum suis militibus qui assiderant, accepto uno pane, non quidem ut Dominicam cœnam faceret, sed ut in pernitiem suam loqueretur & mortem*: *Quæsivit à ministris*, quanti pretii esset panis ille si venditioni traheretur? *At illi*; Valeret, *inquiunt*, obolum. *Et ille*; Verè, *inquit*, fertilitas ista maxima fecit Barones & populum meum insurgere in me; nunc autem si per annum integrum comites mihi fuerint vita & salus, faciam tanti panem ponderis 12 obolos valere. *Et scandalizati sunt ministerii ejus in verbo isto, & retrocedebant quidam eorum.* Conjurant omnes cum converso in mortem ipsius. *Venit itaque conversus ille, & applausit Regi sicut & alias facere consueverat, & dixit ei*; Placetne tibi, ô Rex, comedere de fructu novo? Placet, *inquit*, vade, & affer: *Tulitque præparata pira, & statuit ea coram Rege. Moxque lapides pretiosi, qui coram Rege fuerant, in sudorem vertebantur*: *Et ait Rex*; Quid attulisti frater? nunquid venenum porrexisti? *At ille*; Non venenum, ô Rex, sed fructum optimum. *Et Rex*; Comede, *inquit*, de fructu tuo. *Moxque apprehenso uno ex piris cognitis comedit*: *Et Rex*; Comede, *inquit*, & alterum; *& comedit*: Adde, *inquit*, & tertium; & fecit sic. *Nec se ulterius potuit continere Rex*, apprehenso uno ex venenatis comedit, eadem nocte extinctus est. *Nec tamen periit conversus, sed inter manus eorundem tantum dilapsus est*, liberavitque Deus per mortem Regis iniqui prædictam Sanctimonialem sponsam suam a novo (ut creditur) sponso Diabolo. *Mortuo itaque* Johanne sic extincto, *tandem postmodum sepultus est* Wygorniæ *die Sancti* Lucæ *Evangelistæ, Anno Domini* 1216. *& regni sui anno* 17. *Sepultus dico est, sed non cum honore, quia terra quæ in operibus ejus pessimis turbata extitit, non ad plenum pacificata quievit. Sacerdos quidam qui Regi* Johanni *familiariter adhæserat in vita sua, post mortem ejus ab amore ipsius non est ex toto separatus. Profusis enim lachrymis & precibus multis Deum frequenter exorabat, ut si ejus voluntas esset, ostenderetur sibi in signo aliquo, utrum cum anima Domini sui judicialiter vel misericorditer ageretur. Cumque dies in hac voluntate permansisset, tandem in visione nocturna apparuit ei vir splendidus in vestibus quasi deauratis, dicens ei*; Quid fles? Quid ploras? surge, tolle & lege *Psalmum* 52. Quare gloriaris in malitia? et ibi videre poteris quid meruit Dominus tuus. *At ille expergefactus à somno rediit in se*, et nihil boni inveniens in Psalmo illo, cessavit prece sua. The *Chronicle* compiled at St. *Albans Anno* 1483. printed by *Will. Caxton.* Anno 1502. thus more particularly relates his poysoning, *Pars* 7. of the death of King *John*: *The Kyng came by the Abbey of* Swynesheade, *and there hee abode two dayes*; *And as he sate at mete, he axed a Monke of the house*, How moche that loof was worth that was sette before hym uppon the table? *And the Monke said*, That the loof was worth but an half-penny. *O said the Kinge tho*, Here is grete chepe of brede; *Now sayd he tho*, And I may lyve ony while, such a loof will be worth xx. shillinges or half a year be gone. *And so whan hee sayd this worde, moche hee thought, and often hee sighed, and toke and ete of the brede, and sayd*; By God, the worde that I have spoken, it shall be soth. *The Monke that stode before the Kynge was for this worde full sory in his herte, and thought rather hee would hymselfe suffre deth, and thought yf he might ordeyne therefore some manere remedye.* And anone the Monke wente unto his Abbot and was shriven of him, and tolde the Abbot all that the Kynge had sayd; And prayed his Abbot for to assoyle him, for he would yeve the Kynge such a drynke, that all Englonde sholde be glad thereof and joyfull. *Tho yede the Monke into a gardeyne*, and founde a grete Tode therein, and toke her up and put her in a Cuppe, and pycked the Tode thorugh with a broche many tymes, tyll that the venym came out of every syde in the Cuppe. *And tho toke the Cuppe and filled it with good ale*, and brought it before the Kynge, *knelynge sayenge*; Sir, *sayd hee*, Wassayll, for never the dayes of all your lyfe drouke ye of so good a Cuppe. Begyn Monke, *sayd the Kynge*: *And the Monke dranke a grete draught*, and toke the Kynge the Cuppe, and the Kynge dranke also a grete draught, and set downe the Cuppe. *The Monke anone ryght wente into farmerye and there dyed anone*, on whoos soule God have mercy, *Amen.* And fyve Monkes synge for his soul specially, and shall whyle that the Abbaye standeth. *The Kynge rose up*

anone full evyll at eaſe, and commaunded to remove the table, and axed after the Monke; and men tolde him that hee was deed, ſoꝛ his wombe was bꝛoken in ſundꝛe. *Whan the Kynge herde this, he commaunded for to truſſe, but it was for nought,* foꝛ his belly began to ſwelle foꝛ the dꝛynke that he had dꝛonke, and within two dayes hee deyed, *on the morowe after ſaynt* Lukis *daye.* Such execrable Traytors were the Prelates and Monks to King *John*, as thus to deprive him both of his *Crown, Life.*

King Henry III.

Tom. 2. p. 370. l. 43. after *videbant*, inſert.

An. 1 H. 3.

UPon the untimely death of King *John* by poiſon, *Anno* 1216. his young ſon *Henry* the 3d. being crowned King at *Glouceſter* by *Gualo* the Popes Legate, (more out of zeal to preſerve the Popes new acquired intereſt in *England*, by King *John*'s Charter of Reſignation, then any cordial affection to the King or Kingdom;) [a] *Hujus* (Gualonis) *conſilio & amonitione* idem Ker cruce ſignatus eſt in feſto Omnium Sanctorum eodem anno. Puer novem annoꝛum in Regem eꝛigitur viribus et induſtria Gualonis Legati Papæ, Wintonienſis Epiſcopi, *Comitum de* Pembroc. & Ceſtriæ: of whom *Henry de Knyghton* gives us this character. *Rex verò novus qui patri barbato impubes ſucceſſit, præventus à Deo benedictionibus dulcedinis à teneris innocentiæ ſuæ annis,* ſuperni Regis amoꝛem ſeꝛvoꝛemque concepit in tota vita: *titulo humilitatis & innocentiæ, puritate conſcientiæ, morum ſuavitate & gravitate ſic excellit,* ut pꝛæceſſoꝛes ſuos, *quibus ſolo nomine Regio congruebat,* quaſi ſanctus et inter homines imperabat, et terrenus quidem Angelus videretur. *Unde fertur ipſum novum Regem dum die quadam coram altari beati Virginis & Filii ſui* Regis (pictured like an * Infant in his Mothers lap) aſſiſteret; *tale verbum protuliſſe*, Rogo te puerum Regem, ut me Regem puerum de cætero reges et defendas.

a Henry de Knyghton de Event. Angliæ, l. 2. c. 15. col. 2127. c 16. col. 2428. Polychron l 7. c. 34.

* See Tom. 2. p. 13, 14, 15.

After his Coronation, the Legate excommunicating the Uſurper *Lewes*, with all his adherents, every Lords-day and Holy-day, the Barons adhering to him being informed of his ſecret deſign to baniſh and diſinherit them all, ſo ſoon as he had conquered *England*, deſerted him; [b] pꝛæterea ſententia excommunicationis, quam Angli pꝛæ omnibus nationibus foꝛmidant, (as *Mat. Weſtminſter* obſerves) ipſos Barones ad pꝛopꝛium Dominum naturalem, ſpꝛeto Ludovico, diatim revocavit: Et viriliter ſe habentes Barones, (in fighting for King *Henry*) meruerunt abſolvi, et Regis novi dilectionem. Whereupon the Uſurper *Lewes* craving leave peaceably to depart out of *England*, taking an Oath never to return into, or infeſt it more, departed into *France* with diſhonour.

b Mat. Weſt. Ann. 1216, 1217. p. 104. Henry de Knyghton de Event. Angliæ, l. 2. c. 16.

How prevalent this Legate then was in the Kings Counſils, how carefull to ſettle peace, prevent diſcontents, inconveniences, and promote the welfare of the Realm of *England*, will appear by this Record, to ſtop the Earl of *Cheſter*'s preſent pilgrimage to the *Holy Land*, which would prove miſchievous to the whole Realm at that ſeaſon.

Clauſ. 1 H. 3. dorſo 21.

Gualo miſeratione divina titulo Sancti *Martini* Presbyter Cardinalis, Apoſtolicæ ſedis Legatus, *H. Dublinenſis, W. Eborum* Archiepiſcopi, *P. Wintonienſis, J. Bathonienſis, S. Glaſtonienſis*, & *S. Wigornienſis* Epiſcopi, *W. de Laſcy, L. de Monemat*, & *H. de Mortuo mari* Nobili viro, *Petro de Manlay*, ſalutem. Cum Nobilis vir *R.* Comes *Ceſtriæ* Cruceſignatus, qui ſemper bene et fideliter ſervivit et ſervit Dominis ſuis Regibus *Angliæ*, votum peregrinationis ſuæ inſtanter adimplere decreviſſet exeundo a regno, Regem et regnum ipſum ſic deſolatum volens relinquere, motus maxime et ad hoc inductus, quod *Will. de Lancaſtr.* quem ei pꝛæcepit liberari, pridem & ſæpius Dominus *H.* Rex *Angliæ* illuſtris, habere non potuit. Ipſe tamen ad maximam inſtantiam noſtram, et pꝛeces multiplices ad pꝛæſens a peregrinatione illa ſubſtitit. Aſſumpta jam Cruce in pectore ad proſequendum hoſtes Dei & Eccleſiæ, adverſarios Domini ſui Regis *Angliæ*, unde cum ipſis obſequium tam laudabile Domino Regi et regno plurimum ſit expediens: Vobis mandamus, quatinus ſicut honoꝛem ipſius Domini Regis, et regni utilitatem diligitis, ipſum *Willielmum* ſtatim, & ſine omni occaſione & difficultate ſub ſalvo conductu mittatis uſque *Glouc.* &

An. 1 H. 3. eum ibi liberari faciatis *Radulpho Musard* Vicecomiti *Glouceſtriæ*. Scientes pro certo, quod niſi iſtud quam citius feceritis, poterit inde, quod Deus avertat, Domino Regi et regno magnum dampnum accidere, quod totum non immerito vobis poterit imputari. Valete.

Soon after the Legate and Kings Counſil ſent * *Henry de London* Archbiſhop of *Dublin* into *Ireland*, both to *inſtruct* and comfort his Church, and reform the ſtate thereof, by the advice and aſſiſtance of the *Chief Juſtice*, as this Patent informs us.

* Mat. Weſtm. Anno 1213. p. 94.

Pat. 1 H. 3. m. 8. Hibern.

REX dilectis & fidelibus ſuis Baronibus *Hiberniæ*, ſalutem. Licet præſentiam venerabilis patris noſtri Domini *H. Dublin.* Archiepiſcopi in partibus *Angliæ* nobis & regno noſtro ſcierimus extitiſſe perneceſſarium, ipſiuſque conſilio vix carere valeamus. Ipſum tamen ad partes *Hiberniæ* deſtinamus, ut Eccleſiam ſuam ejus abſentia jampridem deſolatam, inſtrueret et conſoletur, ſtatuſque terræ noſtræ *Hiberniæ* emendationi, et agendorum noſtrorum in partibus veſtris expeditioni poſſ veſtrum conſilium et juvamen intendat: Unde vobis mandamus, quod ei in omnibus quæ ad nos ſpectant ordinandis & diſponendis ſitis intendentes, unà cum dilecto & fideli noſtro *G. de Mariſco* Juſticiario noſtro *Hiberniæ*. Volumus etiam & præcipimus, quod omnia ad nos ſpectantia per ipſius Domini Archiepiſcopi diſpoſitionem, una cum Juſticiarii noſtri & veſtro juvamine & conſilio ordinentur. Et in hujus rei teſtimonium has literas noſtras patentes, *&c.* vobis mittimus. Teſte *Comite* apud *Wintoniam*, 16 die *Aprilis*, anno regni noſtri 1.

I find in the Clauſe Rolls of 1 *H.* 3. this memorable Writ ſent to the Chief Juſtice of *Ireland*, giving him a full account of K. *John*'s deceaſe, of King *Henrie*'s being anointed and crowned King at *Glouceſter* by the Popes Legate, of his confirmation of the Charters and Liberties granted by King *John*, his promiſe to redreſs all juſt grievances, of the *Engliſh* Barons and Prelates homages and fealties done to him at his Coronation, and in a Council held at *Briſtol*, (not mentioned by our Hiſtorians) and his granting the ſelf-ſame Charter of Liberties to *Ireland* as the *Engliſh* Free-men enjoyed; with an order to receive the fealty of all the Nobles of *Ireland* to him, beginning with thanks for his former fidelity to his deceaſed Father, and to be now exhibited to himſelf.

Clauſ. 1 H. 3. m. 25. dorſo.

REX *G. de Mareſcallo* Juſticiario ſuo *Hiberniæ*, ſalutem. Multiplices vobis referimus gratiarum actiones de bono & fideli ſervitio veſtro fœlicis memoriæ *J.* quondam Regi *Angliæ* patri noſtro exhibito, nobiſque exhibendo, & de hiis quæ per fidelem noſtrum *Radulphum de Normico* Clericum nobis ſignificaſtis. Cum igitur jubente ipſo cujus famulantur imperiis mors & vita, Dominus & pater noſter ex hac luce fæliciter commigravit, cujus animam * cœleſtibus collocetur; vos ſcire volumus, quod celebratis ſollempniter ex more debito regalibus exequiis in Eccleſia beatæ *Mariæ Wigornienſi*, convenerunt apud *Glouceſtriam* plures regni noſtri Magnates, Epiſcopi, Abbates, Comites et Barones, qui patri noſtro viventi ſemper † conſtiterunt fideliter & devotè, & alii quamplurimi; ubi in feſto Apoſtolorum *Simonis* & *Judæ* in Eccleſia beati *Petri Glouceſtriæ* applaudentibus Clero et populo, per manus Domini *G.* titulo Sancti *Martini* Presbyteri Cardinalis, et Apoſtolicæ ſedis Legati in *Anglia*, et Epiſcoporum tunc præſentium, invocata Spiritus Sancti gratia, publice fuimus in Regem *Angliæ* inuncti et coronati, fidelitate et homagio omnium illorum nobis exhibetis. Quod vobis ut fideli noſtro duximus intimandum, ut de honore et ſucceſſu noſtro fœlici gloriemini. Sanè cum audierimus indignationem quandam inter memoratum Dominum patrem noſtrum, & quoſdam Nobiles regni noſtri exortam, cum cauſa vel ſine cauſa nos neſcimus, ſic agitatam extitiſſe, et illam volumus imperpetuum aboleri et oblivi ſci, quod nunquam menti noſtræ adhæreat, et ut ceſſante cauſa ceſſet effectus, quicquid extiterit erga ipſum conceptæ indignationis, parati ſumus et volumus pro viribus noſtris expiare, ſingulis præbendo quod ratio dictaverit cum ſubditorum conſilio, et deletis de regno pravis conſuetudinibus in libertatum et liberarum conſuetudinum innovatione dies nobilium patrum noſtrorum reformare gratioſos, unicuique tribuendo, quod ſibi debebit cum ratione competere. Ad hoc ſciatis, quod celebrato nuper Concilio apud *Briſtoll*, ubi convenerunt univerſi *Angliæ* Prælati, tam Epiſcopi, Abbates, quam Priores, et multi tam Comites quam Barones, qui etiam univerſaliter fidelitatem nobis publice facientes, conceſſis eis libertatibus et liberis conſuetudinibus ab eis prius poſtulatis, et ipſis approbatis, prompti et proni ad mandatum noſtrum in partes ſuas cum gaudio ſunt reverſi. Speramus quidem & in Domino confidimus, quod

* Not in Hell, where the Monks would place it, Tom. 2. p. 366.

† adhæſerunt.

regni

regni noſtri ſtatus, divina favente clementia in melius commutabitur. De Domina Regina matre noſtra vel fratre noſtro mittendis in *Hiberniam*, vobis reſpondemus, quod habito conſilio fidelium noſtrorum et aſſenſu, quod nobis et commodo noſtro et regni noſtri expedire viderimus faciemus. Rogamus igitur dilectionem veſtram; quatinus eſt bonæ memoriæ *F.* patri noſtro fideles extiteritis et devoti, tanto nobis fideliores exiſtere curetis, quanto ſcitis nos auxilio et conſilio veſtro in hac teneritate noſtra plurimum indigere, capientes fidelitatem de ſingulis *Hiberniæ* Magnatibus, et aliis qui nobis ipſam facere tenentur. Retinuimus adhuc nobiſcum *Radulphum de Norwico*, ut de his & aliis per ipſum voluntatem noſtram plenius vobis ſignificemus, volentes ut eiſdem vos et exteri fideles noſtri *Hiberniæ* gaudeatis libertatibus quas fidelibus noſtris de regno *Angliæ* conceſſimus, et illas vobis concedemus et confirmabimus. Teſte, *&c.* *An.* 1 H. 3.

The Canons of *Carliſle* contemning both the Popes and his Legates authority and Cenſures, contumaciouſly celebrating Divine Service and Sacraments notwithſtanding their Interdicts; adhering, ſubmitting, and ſwearing Fealty to the King of *Scots*, King *Henry*'s and the Popes declared Enemy; yea electing an interdicted, excommunicated Clerk for their Biſhop, againſt the Kings and Legates wills; and dividing the antient Revenues of the Biſhoprick amongſt themſelves, the Kings Counſil thereupon ſent this Epiſtle to Pope *Honorius* the 3d. (* who ſucceeded *Innocent* the 3d. this year) in the Kings name, totally to remove theſe Schiſmatical Canons, and place Prebends in their rooms; to augment the Biſhops Revenues, (being ſo ſmall that no able or loyal perſon would accept thereof) and diſplace the intruded Biſhop, for the reaſons expreſſed in this memorable Record.

* Mat. Weſtm. An. 1217. pag. 1005.

REverendo Domino ac Patri in Chriſto kariſſimo *Honorio*, Dei gratia Summo Pontifici, *Henricus* eadem gratia Rex *Angliæ*, &c. ſalutem, et debitam cum omni honore et ſubjectione Reverentiam. Noverit ſancta Paternitas veſtra quod Canonici *Carleolenſis* Eccleſiæ faventes & adhærentes Regi *Scociæ*, et aliis adverſariis et inimicis veſtris, et noſtris, procurantes quantum in ipſis eſt exhæredationem noſtram, * ſpreta penitus auctoritate veſtra, et Sedis Apoſtolicæ Legati, in locis interdictis et excommunicatis irreverenter, et impudenter, et contumaciter divina celebrare non verentur. Prædicto etiam Regi *Scociæ* inimico *Romanæ* Eccleſiæ et noſtro, interdicto et excommunicato, urbem *Carleolenſem* hoſtiliter occupanti ſe ſubdiderunt, et ipſum in Patronum et Dominum receperunt, et fidelitatem ei fecerunt Ita etiam quod in præjudicium juris noſtri et Eccleſiæ *Eborac.* ad inſtantiam dicti Regis *Scociæ* inimici noſtri, quendam Clericum ſuum interdictum et excommunicatum eligerunt ſibi in Epiſcopum et Paſtorem. Cum etiam prædicta Eccleſia *Carleolenſis* ſita ſit in confinio Regni *Scociæ*, maximè expediret tranquillitati & Paci noſtræ, & Regni noſtri, quod tale ibi conſtitueretur caput et talia membra, per quæ nobis et Regno noſtro utiliter et efficaciter provideri, et adverſariis noſtris facultas nocendi poſſit recludi. Paternitati veſtræ devote ſupplicamus, quatinus conſulentes nobis et Regno noſtro, ſtatum Eccleſiæ prædictæ in melius commutare velitis. Amoventes, ſi placet, funditus ab eodem prædictos ſciſmaticos et excommunicatos. Cum enim ipſi in multis habundent, Epiſcopus eorum ita hactenus egeſtate afflictus eſt et inopia, quod vix habet ubi caput ſuum reclinet: Et non invenitur aliquis, qui in aliquo nobis utilis eſſe poterit aut neceſſarius, qui Epiſcopatum illum recipere voluerit. Scientes pro certo, quod non poterit nobis melius provideri in partibus illis, prout de conſilio fidelium et Magnatum noſtrorum evidenter intellexerimus, quam ſi prædicti Sciſmatici et excommunicati penitus amoveantur, et loco eorum qui dicuntur Regulares, (cum ſint prorſus irregulares et Eccleſiæ *Romanæ* Inimici et inobedientes) conſtituantur Præbendarii; qui *Romanæ* Eccleſiæ obedientes, et nobis in Conſilio ſint prudentes, et in auxilio efficaces, ut eorum pœna a conſimili delicto alios deterreat. Et ſuper hiis voluntatem veſtram kariſſimo Amico noſtro Domino Legato ſignificare velitis. Et quia nondum habuimus ſigillum, has Literas ſigillo Comitis *Willielmi Mareſcalli* Rectoris noſtri & Regni noſtri, ſigillavimus. Teſte eodem Com. apud *Wynton.* 26 die *Aprilis.* Pat. 1 H. 3. m. 3. dorſo.

* *Nota.*

Upon which Letter the Pope ordered *Gualo* his Legate by the Kings Royal aſſent to conſtitute * *Hugh* Abbot of *Belein* Biſhop of *Carliſle*, as the Kings Letters Patents for augmentation of the Revenues of his Biſhoprick, (*Pat.* 3 Hen. 3. *memb.* 5. *dorſo*) atteſt. * See Tom. 2. pag. 357, 376.

Gualo

An. 2 & 3 Henr. 3. Mat. Westm. An. 1218. p. 107, 108.

Gualo the Popes Legate, having made an accord between *Lewes*, King *Henry*, and his Barons, and setled the Realm in a peaceable posture, *An.* 1218. Citellis, auro et argento refertis, *Romam* postquam electionem *Richardi de Marisco* plenius procuraverat, et de multis *Anglorum* ad libitum redditibus disposuerat, remeavit. Hereupon, Pandulphus *electus in Episcopum* Norwicensem, *qui recedente* Gualone *Legato* successit in Legationem eidem, *venit* London. *apud Sanctam* Paulum, to execute his Legantine domineering authority, fill his purse, and rule all things at his pleasure. Soon after, *Rex* Henricus *proprium sigillum sibi fecit fabricari*; sealing all his Patents and Writs till then with the Legate *Gualo's*, or *Earl Marshals* Seals.

Clauf. 2 H. 3. m. 3, 6. Clauf. 3 H. 3. m. 4. 6, 9, 11, 12, 13.

Tom. 2. p. 373. l. 4. after *seige*, adde. I find in the * *Clause-Rolls* of *An.* 2, & 3 *H.* 3. that the King by his Ecclesiastical Prerogative and Writs, removed the respective Markets of *Numanton* in *Devonshire*, of *Wallingford* in *Berkshire*, of *Berchamsted* in *Bedfordshire*, of *Leominster* and *Braclee* in *Glocestershire*, of *Rosne* in *Lincolnshire*, of *Winburne*, *Lyminster*, *Persor*, *Watham*, and *Woburn* (in *Worcestershire*) usually held on the *Lords-day* before, to *Mondays*, *Thursdays*, or *Saturdays*, out of his piety, and that honour he then gave to the due observation of the *Lords-day*, much prophaned by those Markets held thereon.

An. 3 H. 3.

Tom. 2. p. 374. l. 7. after *King*, insert. To these I shall annex this memorable Record evidencing the Kings Soveraign Ecclesiastical Jurisdiction in *Ireland*. The Canons of *Lismore* electing a Bishop without the Kings precedent License, and send.ng their Proctors into *England*, to procure the Kings royal assent to their Election; the King's Council declared it to be illegal and null, being made against his antient Prerogative, ratified by the Pope himself, that * *no Elections ought to be made without his special precedent Royal License to elect.* Whereupon these Proctors renounced the first Election as void, and by vertue of their Procuration, by the *Kings* special License re-elected the same Bishop; which election the King approving, issued this Writ to the Chief Justice of *Ireland* to restore his Temporalties.

* See Tom. 2. 338.

Pat. 3 H. 3: pars 1. Rot. Spiff. m. 6 Hibernia. De electione Lismorensis Ecclesiæ in Hibernia, m. 6. & part. 2. m. 5.

REX *G. de Mar.* Justiciario *Hiberniæ*, venientes ad nos in *Angliam* Magister *Macrobius* & *David* Canonici *Lismorensis* Ecclesiæ, in præsencia Domini *P.* Dei gratia *Norwicensis* Electi, Domini Papæ Camerarii & Apostolicæ Sedis Legati, coram Consilio nostro proposuerunt, quod Magistrum *Robertum de Bedeford* elegerunt in Pastorem Ecclesiæ suæ prædictæ tunc vacantis, et petierunt assensum huic electioni Regium erbiberi; set statim objectum fuit eis a Consilio nostro, quod nulla fuit electio illa, nec rite celebrata, cum secundum dignitatem nostram multis diebus optentam, et a Domino Papa confirmatam, debuit electionem suam petita et impetrata a nobis eligendi licencia præveniffe. Intelligentes igitur dicti Canonici, quod non rite processum fuit in hac parte, renunciaverunt electioni tali, dicto Magistro *Roberto de Bedeford* eidem pro se renunciante, porrigentes Consilio nostro literas Capituli *Lismorensis* continentes, quod dictos Magistros *M.* & *D.* tam in electione facienda, quam cæteris Ecclesiæ suæ negotiis Procuratores constituerunt; Ratum habituri quicquid ex parte Capituli in hiis ducerent disponendum. Audito verò earum literarum tenore, & data eis audientia, petierunt a nobis humiliter licentiam eligendi: quæ ut laboribus eorum et Capituli parceremus, eis benigne concessa, præhabita deliberatione eundem Magistrum *R. de Bedeford* in Pastorem sibi elegerunt. Quorum electioni cum sic rite facta fuisset, nostrum præstituimus favorem et assensum. Hæc igitur vobis protestantes, præsentibus literis vobis mandamus, quatinus eidem Magistro *R.* vel Procuratori suo plenam seisinam habere faciatis de Episcopatu *Lismorensi*, cum omnibus maneriis ad eundem pertinentibus, & cum omnibus pertinenciis suis plenam seisinam habere faciatis. Teste Domino *P. Wintoniensi* Episcopo apud *Westmonasterium*, 12 die *Decembris*, anno regni nostri tertio, Per eundem & Comitem *Marescallum.*

By the like reason the Bishops keeping Courts and exercising all manner of coercive Ecclesiastical Jurisdiction by their own authority in their Dominions, without the Kings special License, was as void, illegal, and as much *against the Law*, *Kings Crown and Dignity*, as their *first Election*, the Earl of *Cornwalls* Sonne holding Plea of an Assize of *Mordancester*, or of *Novel disseisin*, and constituting Justices of Assise in *Cornwall* in his *County Courts* by his own authority, without the Kings License; which being then complained of to the *Kings Counsil*, they resolved to be against

againſt the Kings honour, Crown, and dignity, and thereupon prohibited by this memorable Writ of *Prohibition*. *An.* 3 H. 3.

H. Dei gratia, *&c.* Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Militibus, liberè Tenentibus, & omnibus de Comitatu *Cornubiæ*, ſalutem. Intimatum eſt Conſilio noſtro, quod *H.* filius Comitis *Corn.* Aſſiſam quandam de morte Anteceſſoris capi fecit in Comitatu *Cornubiæ* ſine præcepto noſtro, et ſine Juſticiariis ad hoc conſtitutis ex parte noſtra; et quod * auctoritate propria Juſticiarios conſtituit ad Aſſiſas novæ diſſeiſinæ capiendas ad quemlibet Comitatum, unde mandavimus ei et firmiter injunximus, ut a talibus deſiſtat, nec placitum aliquod ad Coronam noſtram pertinens teneat, ſine ſpeciali præcepto et warranto noſtro, nec quicquam attemptet quod cedere poſſit in diſpendium dignitatis noſtræ. Vobis igitur mandamus firmiter injungentes in fide qua nobis tenemini, ne hujuſmodi fieri permittatis pro poſſe veſtro; et prohibemus diſtricte, ne aliquis liber homo in hujuſmodi Aſſiſas ſe ponat vel poni permittat, ſine ſpeciali præcepto noſtro, cum ſint manifeſte tales Aſſiſæ contra honorem Regiæ dignitatis. In cujus rei teſtimonium, *&c.* has Literas noſtras patentes vobis mittimus. Teſte *H.* de *Burgo* Juſticiario apud *Novum Templum London.* 17. die *Septembris*, anno, *&c.* tertio. Coram Domino Legato & *P. Wintonienſi* Epiſcopo. Pat. 3 H. 3. m. 2. De Aſſiſibus Cornubiæ.

* As Archbiſhops then and ſince conſtituted Chancellors, Officials, Vicars, and other Eccleſiaſtical Judges under them, by their own authority.

The ſame year *Pandulphus* the Popes Legate, by his Legatine authority, took upon him to write to the *Kings Counſil* to releaſe *William de Latham* a Clerk, who had been a long time impriſoned, (unleſs his Offences were ſuch for which he ought not to be releaſed by Law) by putting in Pledges or ſufficient caution, not hereafter to oppoſe the King or *Church of Rome* (which it ſeems he had formerly done) as this Record relates.

REX *Waltero de Godarvill*, ſalutem. Literas Domini Legati recepit conſilium noſtrum in hæc verba: *Venerabili in Chriſto Patri* P. *Dei gratia* Wintonienſi *Epiſcopo & Nobili viro* W. *Mareſcallo* Angliæ, Pandulphus *eadem gratia* Norwicenſis *Electus*, *Domini Papæ Camerarius*, et Apoſtolicæ ſedis Legatus, *ſalutem*, *& ſinceræ dilectionis affectum*. *Cum* Willielmus de Letham *Clericus ſub cuſtodia* Walteri de Godardvill teneatur carceri mancipatus, ac diu fuerit ibidem oppreſſus, diſcretioni veſtræ Legationis qua fungimur auctoritate mandamus, quatinus eum in diutinis miſeriis ejus eidem compati teneamur, ipſum facientes reſtitui priſtinæ libertati, et quod Domino Regi et Eccleſiæ Romanæ ſe de cætero non opponet, quinimo eorundem fidelis exiſtens, eorum Jura modis omnibus ſervabit illæſa, cautionem ab eodem Clerico recipiatis ſufficientem, niſi talis fuerit ejus exceſſus pro quo merito debeat retineri. Dat. &c. Et ideo vobis mandamus quatinus, niſi exceſſus ejus talis fuerit pro quo merito ipſum retineri debeat, ipſum miſſatis ad Conſilium noſtrum a Priſona liberatum, accepta ab eo ſecuritate ſufficienti, quod fidelis erit Sanctæ Romanæ Eccleſiæ et nobis, et eidem Sanctæ Romanæ Eccleſiæ ſe de cætero non opponet: et ſi pro exceſſu ſuo merito retineri debeat, ſignificetis Domino Legato exceſſum ſuum pro quo captus eſt, et detentus. Teſte *Comite* apud *Weſtmonaſterium*, 20 die *Jan.* anno regni noſtri tercio. Per ipſum *Comitem* coram Domino *Wintonienſi* & Juſticiariis. *By which Record it is evident, that Clerks in that age were ſubject to imprisonment and other puniſhments for their Offences againſt the King, as well as Lay-men, and to give ſecurity and caution for their dutifull obedience and loyalty to the King as well as Pope, before their enlargement out of priſon.* Pat. 3 H. 3. m. 5. De liberatione Willielmi Letham Clerico.

The King having made a New Great Seal in the 3d. year of his reign, to prevent the diſinheriting of the *Crown* by granting Lands or Liberties under it to any Eccleſiaſtical or Temporal Perſons during his minority, the *Popes Legate*, with his Counſil, Biſhops, Abbots, Earls and Nobles, by common advice made this memorable *Conſtitution*, ratified under his New Great Seal by this Patent, the very firſt they ſealed therewith, that all Patents ſealed with this New Seal, againſt this ordinance, during his minority ſhould be voyd.

*HENRICUS Dei gratia Rex *Angliæ*, &c. omnibus has literas inſpecturis, ſalutem. Sciatis, quod provisum eſt per commune Conſilium Regni noſtri, quod nulla Carta, nullæ Litteræ Patentes de confirmacione, alienacione, venditione vel donacione, ſeu de aliqua re quæ in perpetuitatem, ſigillentur Magno Sigillo noſtro uſque ad ætatem noſtram completam. Teſtibus *Gualone* tituli Sancti *Martini* Presbytero Cardinali, & Apoſtolicæ Sedis Legato; Domino *S. Cantuarienſi* Archiepiſcopo, *Willielmo Mareſcallo* Comite *Pembrok*, *Huberto de Burgo* Juſticiario noſtro * Pat. 3 H. 3. m. 6. Primæ Literæ Novi Sigilli Dom. Regis de Cartis vel Literis Patentibus non faciendis, & hic incipit Sigillum Dom. Regis currere.

An. 3 H. 3. noſtro *Angliæ*, coram *W. Londonienſi*, *P. Wintonienſi*, *R. Dunolmenſi*, *J. Batonienſi* & *Glaſtonburienſi*, *H. Lincolnienſi*, *S. Exonienſi*, *W. Coventrenſi*, *R. Sarresburienſi*, *B. Roffenſi*, *H. Herefordenſi*, *R. Ciceſtrenſi*, *W. Wigornienſi* Epiſcopis, & *H. Carleolenſi* Electo, *H.* Abbate Sancti *Edmundi*, *W.* Abbate *Weſtmonaſterii*, *A.* Abbate Sancti *Auguſtini Cantuariæ*, *W.* Abbate de Sancto *Albano*, *R.* Abbate de *Burgo*, *H.* Abbate *Rameſienſi*, *R.* Abbate de *Bello*, *R.* Abbate de *Waltham*, & *S.* Abbate *Radingenſi*, *W.* Comite *Sarresburienſi*, *W.* Comite *Arundel*, *G.* Comite *Glouceſtrienſi*, *H.* Comite *Herefordenſi*, *W.* Comite *Arbimarliæ*, *W.* Comite *Effexiæ*, *R.* Comite *Oxonienſi*, *H.* filio Comitis, *Roberto* filio *Walteri*, *Roberto de Roi*, *Galfrido de Say*, *Willielmo Briwerr*, *Petro* filio *Hereberti*, *Petro de Manlay*, *W. Mareſcallo* juniore, *Willielmo de Cantilupo*, *Falk. de Breant*, *Willielmo de Hunting*, *Roberto de Cardigan*, *Johanne Mareſcallo*, *Willielmo de Albiniaco*, *Willielmo de Bello Campo*. Provisum est, et per Commune Consilium Regni nostri, et coram prædictis omnibus, quod si aliqua Carta, vel aliquæ Literæ Patentes factæ secundum aliquarum prædictarum formarum sigillatæ inveniantur prædicto Sigillo, irritæ habeantur et inanes. Testibus prænominatis, et multis aliis.

After which the *King* constituted *Proctors* in the Court of *Rome*, for or against all things that concerned himself, his Guardians, Counsellours, or Bailiffs, by this Patent.

Pat. 3 H. 3. m. 5. De Procuratoribus constitutis in Curia Romana.

SAnctissimo Patri & Domino *Honorio*, Dei gratia Summo Pontifici, *H.* eadem gratia Rex recommendationem & pedum oscula. Noveritis, Pater sancte, nos constituisse Procuratores in Curia vestra dilectos et fideles nostros Magistrum *Galfridum de Caleto*, & *Deodatum*, ac *Willielmum* de Sancto *Albino* Clericos, latores præsencium, ad impetrandum, contradicendum, et Judices eligendos, prout viderint expedire, in omibus negociis quæ pro, vel contra nos, et Consiliarios, Rectores, et Ballivos nostros fuerint proposita in Curia vestra. Ratum habituri quicquid circa prædicta cum eis et eorum altero fuerit expeditum. Durent autem Literæ illæ à Natali Domini anno regni nostri tercio, usque ad Festum Sancti *Michaelis* anno eodem. Teste Domino *P. Wintonienſi* apud *Weſtmonaſterium*, 14 die *Decembris*, anno regni nostri tercio.

The same year by this Legates, and his Counsils advice, the King changed the heathenish, unnatural, long-continued antient Trials in criminal Causes by *Fire* and *Water*, into other wayes of trial, and punishments by imprisonment or abjuring the Realm; as his fore-cited Writs issued to all his *Justices itinerant*, Tom. 2. *Appendix*, p. 20. attest; to which this Patent should have been added.

Pat. 3 H. 3. m. 5.

EOdem modo scribitur Domino *Batonienſi* & *Glaſtonienſi* Episcopo, & sociis suis Justiciariis Itinerantibus in Comitatibus *Somerſet.* & *Dorſet.* & Justiciariis Itinerantibus in Comitatu *Oxoniæ*, & Justiciariis Itinerantibus in Comitatu *Kanciæ*, & Justiciariis Itinerantibus in Comitatibus *Eſſex.* & *Hereford.* & Justiciariis Itinerantibus in Comitatu *Eborum*, & Justiciariis Itinerantibus in Comitatibus *Bedf.* & *Buking.* & Domino *H. Lincolnienſi*, & sociis Justiciariis Iterantibus.

King *John* having committed the possession and custody of his Castle of *Merpis*, and Hostages to *R. de Ponte* a kinsman to the Bishop of *Carnton*, who refused to surrender them to the tuition and protection of the See of *Rome*, and treacherously surrendring the Castle by the Bishops consent into the hands of his Enemies, and releasing the Hostages, Pope *Honorius* upon complaint thereof issued this Bull to the Bishop of *Engoliſm* and others to excommunicate *R. de Ponte*, and enforce him to restore the Castle and hostages to him, the original whereof I found in the *White Tower*.

An. 3 H. 3. in Turre Lond.

HOnorius Episcopus servus servorum Dei, venerabili fratri Episcopo *Engoliſm.* & dilectis filiis Abbati de *Naucolio Pictav.* Diocœsis, & Decano *Burdegalenſi*, salutem & Apostolicam benedictionem. Quanto libentius hactenus venerabili fratri nostro Episcopo *Cauntonen.* detulimus & deferre intendimus de gratia speciali; tanto ab hiis se accuratius convenit abstinere; per quæ nobis displiceus reputari possit ingratus. Quin potius ita debet se nostris beneplacitis coaptare, quod de gratia in gratiam provehi mereatur. Karissimus siquidem in Christo filius noster *H.* Rex *Angliæ* illustris suam ad nos querimoniam destinavit, quod cum claræ memoriæ *Johannis* pater ejus Castrum suum de *Merpin* custodiæ nobilis viri *R. de Ponte* senioris, germani Episcopi suprædicti, fiducialiter commisisset, nunc prænominato *J.* viam universæ carnis ingresso, prædictus *R.* Castrum ipsum & obsidem ipsum & obsides

fides eidem Regi reddere denegavit pluries requisitus: quinetiam, ad suæ infidelitatis nequitiam palliandam, ad partes transmarinas (vel potius, ut dicitur, in *Hispaniam*) simulata devotione se transferens, dolose intendit prædictos obsides liberare; tanquam per ipsius affectatam negligentiam, quæ utique aperta est, malitia evasuros: & ut qualem fidelitatis affectum ergà Regem habebat exhibebat in effectu, tales in ipso Castro dimittit, qui non solum prædicto Regi Castrum et obsides reddere aspernantur, verum etiam proditorie rebellantes, ipsius homines hostiliter persequuntur; et (quod vix credere possumus) hoc perpetrant non sine ipsius Episcopi consilio et assensu; cum a prædicto fratre suo dispositioni ejusdem credamur esse commissi. Quod ex eo siquidem præsumitur probabiliter, quia cum illi sint in sua Diocœsi constituti, eos non solum non reprimit, verùm etiam fovere favorabiliter non desistit. Cum igitur causam prædicti Regis pupilli, Crucesignati, et custodiæ Sedis Apostolicæ derelicti, omnibus modis defendere teneamur; eidem Episcopo per scripta nostra firmiter dedimus in præceptis, ut sæpedicto Regi Castrum suum et obsides reddi procuret; detentores eorum spirituali et temporali districtione compellens. Ita quod non solum nulla ex hoc contra se possit suspitio exoriri, verum etiam sua exinde possit circumspectio commendari. Quocirca discretioni vestræ per Apostolica scripta mandamus, quatinus detentores Castri et Obsidum prædictorum ad restitutionem eorum præfato Regi debitam faciendam, per censuram Ecclesiasticam appellatione postposita compellatis; et super hiis inquiratis diligentius veritatem. Quæ inveneritis ad nos fideliter remittentes, ut per vestram relationem instructi, procedamus super hiis ..... dium et justitiam viderimus expedire. Quod si non omnes, *&c.* tu ea (frater Episcope) cum eorum altero, *&c.* Dat. *Rom.* apud Sanctum *Petrum* ..... Pontificatus nostri anno tertio.

An. 3 H. 3.

About the same time, (as I conjecture by the * fore-cited Writs) Pope *Honorius* sent this Bull to the Bishop of *Winchester* and others of the Kings Barons, (the original whereof I found in the *White Tower*, having the first lines, date, and last words of each line cut off) wherein he complained to the Bishop and other Barons, that sundry Earls, Barons and *Castellans*, who in words professed themselves faithfull to the King, were yet enemies to him by their deeds, in detaining his Demesnes, Lands, Castles, and due services from him, enjoyning them to assist *Pandulphus* his Legate to enforce them to restore them by temporal power and distresses, since they contemned his Ecclesiastical Censures; as this *Fragment* of it (which I have supplyed in some places by words, in a *Parenthesis*) attests.

Tom. 2. pag. 378, 379.

(H*Onorius*, &c.) ——— erat et patenter, quia frustra et ridiculose fides prætenditur ubi operis evidentia (refutatur) Comites, Barones, Castellani et alii Nobiles se fideles Regios appellantes, seu in (dispendium) charissimi in Christo filii nostri *H.* Regis *Anglorum* illustris dampnabili aviditate detinent ——— utpote qui Crucesignatus, pupillus et orphanus sub speciali Apostolicæ Sedis protectione ——— præcipiend. mandavimus ut prædicta omnia Regi restituentes eidem (debita servicia, *as I conjecture*) impendant, et alias de cætero vita sua sine difficultate persolvant; et quoniam alio ——— luctari, dilecto filio *P. Norwicen.* electo Camerario nostro Apostolicæ, sedis Legato nostra (dedimus in mandatis,) aut eos * temporali districtione, appellatione remota, compellat. Cæterum quia frater qui a fratre ——— attente per Apostolica scripta mandantes, quatinus eidem Legato super hiis et (aliis assistatis, ut) coercere inquietos, et pusillanimes valeat consolari, et nos devotionem (vestram commendamus,) Dat. *Viterbii*, 2 Idus *Maii*; Pontificatus nostri ———.

An. 3 H. 3. in Turre Lond.

* quatinus rebelles.

Which Bull hath this endorsment on it; Quod Barones assistant *Pandulpho* Legato, et restituant Castra et Dominia Regi: for disobeying whereof the * Eirl of *Albemarle* and others were excommunicated, and by Lay-force compelled to surrender the Kings Lands and Castles to him.

* Tom. 2. pag. 378, 379.

The Bishops to advance their Power and Jurisdiction as well in Temporal as Ecclesiastical affairs, procured this Infant King (against their own *Canons* and *Constitutions*) to constitute them not only his chief Counsellors and State-officers in *England* and *Ireland*, but also his *Justices itinerant*, by his Patents; witness *Benedict* Bishop of *Rochester*, *Richard* Bishop of *Sarum*, *Hugh* Bishop of *Lincoln*, *William* Bishop of *Bath* and *Glastonbury*, *Richard* Bishop of *Durham*, *H.* Abbot of *Ramesy*, and

An. 3 & 4 Henr. 3. other Clergy-men, all made *Justices Itinerant* this year; as the *Patent-Roll* of 3 *H.* 3, attests.

To which Justices Itinerant the King issued this memorable Writ for the speedier execution of Justice in Assises, where the Writs of *Assise* after the Jurors sworn, and view of the Lands, were lost, through the negligence or knavery of Sheriffs.

Pat. 3 H. 3. m. 5. REX venerabili Patri in Christo *H.* eadem gratia *Lincolniensi* Episcopo & Sociis suis Justic. itinerantibus in Comitatibus *Linc. Notingh.* & *Dereby*, salutem. Monstratum est Consilio nostro multis conquerentibus, quod cum plura brevia Assisarum perquisita fuerint jampridem et Vicecomitibus porrecta, unde Juratores electi fuerunt & visus terræ factus fuit, brevia illa postea deperdita sunt, propter quod multorum negocia differentur. Et ideo vobis mandamus, quod cum de hujusmodi brevibus deperditis querela coram vobis venerit, diligenter inquiri faciatis per Juratores Assisarum illarum, et per probos homines ejusdem visneti, si Juratores Assisarum electi fuerint, et visus terræ factus sicut conquerentes dicunt; et si ita inveneritis, non obstante eo quod brevia illa deperdita sunt, Assisas prædictas capiatis per recordum et testimonium ipsorum Juratorum. Teste Domino *P. Wintoniensi* Episcopo apud *Westm.* 24 die *Jan.* anno regni nostri tercio.

Eodem modo scribitur Justic. Itinerantibus in Comitatibus *Essexiæ* & *Bedf.* & *Buking.* & *Eborum*, & *Northumberl.* & Justic. Itinerantibus in Comitatu *Southampt.* & Justic. Itinerantibus in Comitatu *Cumberl.* & Justic. Itinerantibus in Comitatu *Kanciæ*, & Justiciariis Itinerantibus in Comitatibus *Somersetiæ* & *Dorsetiæ*. *A very memorable President, worthy the knowledge of those of the long Robe.*

An. 4 H. 3. The Bishoprick of *Ely* becoming voyd by the death of *Eustace* the trayterous Bishop thereof, *anno* 1214. * *Robert* of *York* being elected Bishop against King *John's* good liking, who denied to give his Royal assent thereto, appealing against it to the Pope and Archbishop, Pope *Honorius* thereupon nulling his Election, recommended the Ordination of a new Bishop in that See, by way of Provision, to the Archbishop of *Canterbury*. *Pandulphus* his Legate, and the Bishop of *Salisbury*; who, upon deliberation made choyce of *John*, Abbot of *Fountain* (a *Cistercian*) to be Bishop of *Ely*; to which the Pope assenting, they certified it, and sent him to the King, admonishing him to assent to this their Election, and receive his fealty; which the King allowing, thereupon writ to the Chancellor and Chief Justice to issue Writs for the restitution of his Temporalties; as appears by this his Mandate in two Bundles of Writs and Letters, *An.* 4. H. 3. which I found in the *White Tower* Chappel, and rescued from oblivion.

* See Mat. Paris and Mat. Westm. Anno 1220. Godwins Catalogue of Bishops, p. 207. mistaken in the year.

Bundela Brevium & Lit. An. 4 H. 3. in Turre Lond. EGregio Domino *H.* Dei gratia illustri Regi *Anglorum*, Domino *Hib.* Duci *Normanniæ* & *Aquitaniæ*, & Comiti *Andegaviæ*, *Pandulphus* miseratione divina *Norwicensium* Electus, Domini Papæ Camerar. Apostolicæ Sedis Legatus, Salutem in auctore Salutis. Cum venerabilibus in Christo Patribus Domino *Cantuariensi* Archiepiscopo, & *Saresbirien.* ac nobis ordinacionem *Elienſ.* Ecclesiæ Dominus Papa duxerit commendendam; nos post diutinam deliberationem habitam inter nos, communiter convenimus in virum venerabilem Abbatem de *Fontibus*, ordinis *Cistertiensium*, vita & fama meritò commendabilem; & de ipso ad honorem Dei & vestrum, *Elienſi* Ecclesiæ duximus providendum. Qui nostræ prævisioni auctoritate Domini Papæ de ipso factæ (sicut decuit) assensum præbentes, ipsum ad vestram duximus præsentiam transmittendum; rogantes celsitudinem vestram et commonentes in Domino, ut ipsum benigne recipientes, fidelitatem ab ipso (sicut moris est) recipiatis. Credimus enim & speramus in Domino, quod Deo acceptus erit, ac vobis et toti regno utilis et fidelis. Dat. apud *Wellen.* 12 Kal. *Februarii.*

In eadem Bundela. VEnerabili in Christo Patri Dei gratia *Wintonienſ.* Episc. & Nobili viro *H.* de *Burg.* Justiciario *Angliæ*, *Pandulphus* eadem gratia *Norwicen.* Electus, Dom. Papæ Camer. Apostolicæ Sedis Legatus, salutem in Domino. Cum nos, & venerabiles in Christo Patres *Cantuarien.* Archiepiscopus & *Saresburien.* Episcopus auctoritate Domini Papæ, virum venerabilem Abbatem de *Fontibus Elien.* Ecclesiæ (sicut scitis) in Pastorem duximus providendum, et ad præstandam fidelitatem Domino Regi transmisimus eundem, monemus discretionem vestram et mandamus, ut Ballivis Episcopatus *Elienſis* per Sigillum Regium demandetis, ut universa Regalia sine dilatione ac difficultate assignent eidem. Dat. apud *Wellen.* xvij. Kalend. *Februarii.*

* See Godwins Catalogue, p. 426. * *Henry* Bishop of *Landaff* dying about the year 1218. thereupon *Pandulph* the

Popes

Popes Legate presumed by his new usurped power, by way of provision rather then by a free election, to confer it upon *William* Prior of *Goldcliffe*, as this orignal Letter of his to King *Henry* to receive his Fealty, (filed in a bundle of his Legatine Letters I found in the *White Tower*) informs us. *An.* 4 H. 3.

EXcellentissimo Domino *H.* Dei gratia Regi *Angliæ*, Domino *Hiberniæ*, Duci *Normanniæ* & *Aquit.* & Com. *Andegav. Pandulph.* miseratione divina *Norwicens.* Electus, Dom. Papæ Camerarius, Apostolicæ Sedis Legatus, salutem. A vestra memoria non credimus excidisse, quatinus dilecti filii Canonici Ecclesiæ *Landaven.* a vobis et a nobis Ecclesiæ suæ pastorem eligendi licentiam impetrarunt. Verum quia Ecclesia illa diu erat viduata pastore, nec eam volumus diutius pastore carere: dilectum filium *Willielmum* Priorem de *Goldclivia*, virum providum & honestum, & ut credimus vobis & Regno vestro utilem & fidelem, illi Ecclesiæ providimus et concessimus in pastorem. Ideoque excellentiam vestram rogandam duximus & monendam, quatinus electioni ipsius Regium præbentes assensum, Juramentum fidelitatis, sicut mos est, recipiatis ab ipso. Datum *Salop.* 5 Idus *Julii.* Bundela Brevium in Turre London. An. 4 H. 3. nu 3.

He likewise sent this Letter directed to the Pope in the Kings name, for relief of the Citizens of *Bayon* against the Archbishop of *Auxitan*'s oppressions, and other enemies; commanding the King's Chancellor to seal it under the King's Great Seal, and then to return it to the bearer thereof.

PAndulfus Dei gratia *Norwicen.* Electus, Dom. Papæ Cancellarius, Apostolicæ sedis Legatus, *R.* de *Nevill* Domini Regis Vicecancellario, salutem & sinceræ dilectionis affectum. Cum pro facto *Baionen.* Rex scribat Domino Papæ, et nos tibi mittamus sub sigillo nostro secundum quem debeat scribi; mandamus discretioni tuæ, quatinus secundum formam ipsam literas fieri facias sigillo Regio sigillari, & latori præsentium vel Magistro *Johanni* nuncio committatis; quam uni ipsorum sine qualibet difficultate assignes. In eadem Bundela, nu. 3.

S *Anctissimo in Christo patri Domino suo karissimo Domino* Honorio, *Dei gratia summo Pontifici*, Henricus *eadem &* sui gratia, &c. Cum in meis et meorum negotiis fidelium, in vobis et sacrosancta Romana Ecclesia spes mea consistat et fiducia, pro hiis quoties necessitas imminet, ad auxilium gratiæ vestræ recurro humiliter et devote. *Hinc est quod ad pedes Sanctitatis vestræ latorem præsentium Magistrum* Johannem *fidelem nostrum, nuncium Civium* Baionen. *fidelium nostrorum quos* Auxitanus *Archiepiscopus, adversarius & inimicus noster capitalis, aggravat in odium nostrum multipliciter & molestat, transmitteres: omni qua possum paternitati vestræ supplico devotione, quatenus ipsum benignè recipientes super hiis quæ à Sanctitate vestra pro defensione fidelium nostrorum justè petient, consilium & auxilium vestrum impendatis secundum quod vestra pietas viderit expedire:* Ita quod et nos a nostris æmulis non confundemur, set de protectione sedis Apostolicæ potius relivemur.

Ferè in eundem modum (scribitur) Cardinalibus universis.

The Archbishoprick of *Burdeaux* becoming voyd about the same time, by the Archbishops death, thereupon the Bishop of *Winchester* advised *Hubert de Burgo* Chief Justice, to write and send a Letter to the Dean and Chapter in the Kings name, with an inclosed Licence to them under the Great Seal, to elect such an Archbishop as might not to be suspected to the King, (then under the custody and protection of the Church of *Rome*) but really wished and loved the Kings honour, with the profit of him and his Realm, and safely to keep the Castles belonging to the Bishop, for the Kings benefit.

P. Dei gratia *Winton.* Episcopus amico in Christo carissimo Domino *H.* de *Burg.* Justic. *Angliæ*, Salutem & sinceræ dilectionis affectum. Innotuit nobis per Dominum *G.* de *Nevill.* Camerarium, quod Archiepiscopus *Burdegalensis* ingressus est viam carnis universæ. Undè expedire credimus, & consulimus, quod vos faciatis scribi sub Sigillo Domini Regis Decano & Capitulo *Burdegalensi*, quod ipsi provideant de tali Pastore, qui non sit suspectus Domino Regi et Conâlio ipsius, immo qui velit et diligit honorem et utilitatem Domini Regis et regni; præsertim cum Dominus Rex sit sub custodia et protectione Ecclesiæ *Romanæ.* Faciatis etiam scribi Domino *Alano* de *Monte Morelli*, quod Castra, quæ tenet ex præcepto prædicti Archiepiscopi, salvo custodiat ad commodum et fidelitatem Domini Regis; & Literas, quas mittimus Decano & Capitulo *Burdegalen.* si placet, simul cum Literis Domini Regis eis faciatis deferri. Vale. In eadem Bundela.

He

An. 4 H. 3.

An. 4 Hen. 3. In eadem Bundela, in Turre London.

He also writ this Letter to the Dean and Chapter of *Burdeaux* to this effect.

VIris venerabilibus & in Christo dilectis, Decano & Capitulo *Burdegalen. P.* divina miseratione *Wintonien.* Ecclesiæ Minister humilis, salutem & sinceræ dilectionis affectum. Quia bonæ memoriæ Archipræsulem vestrum audivimus decessisse, discretionem vestram rogamus atque monemus in Domino diligenter, quatinus circumspectis statu terræ vestræ et Regis *Angliæ* circumstantiis, qui in defensione et custodia *Romanæ* Ecclesiæ consistit; in provisione pastoris taliter vos habeatis, quod & dignitas Ecclesiæ vestræ illibata servetur, et vos et Ecclesia vestra (quantum ad Regem naturalem Dominum vestrum) gaudere debeatis temporalibus incrementis. Et quoniam hujusmodi negotium aliquantam deliberationem capit, consulimus in Domino, quatinus pensatis omnibus sicut prædiximus, honore videlicet Ecclesiæ vestræ & utilitate, atque patriæ tranquillitate, in hoc facto provicè & consultè vos studeatis habere. Nos verò quantumcunque cum honestate poterimus, ad executionem boni propositi vestri, & alios consiliarios Domini Regis per nos habebitis & benignos. Valeat universitas semper in Domino.

About the same year this imperious *Legate* lent this Letter to *Peter* Bishop of *Winton* and *Hugo de Burgh*, to prohibit and suppress the Usury of the *Jews* taken from Christians, and to stay a suit brought by a *Jew* against the Abbot and Covent of *Westminster* before the Justices of the *Jews*, wherein he exacted Usury from them, to the great scandal of Christianity and the Kings dishonour, and to joyn some discreet, honest persons with the Sheriff in each County for the collection of *Amerciaments*, to prevent their malice and extortions.

In eadem Bundela.

VEnerabili in Christo patri *P.* Dei gratia *Wintonienſi* Episcopo & nobili viro *H. de Burg.* Justiciario, *Pandulphus* eadem gratia *Norwicensis* Electus, Domini Papæ Camerarius, Apostolicæ sedis Legatus, salutem in Domino. Frequentes ac assiduos Christianorum clamores contra *Judæorum* perfidiam vix jam tolerare valemus; qui propter * graves et immoderatas Usuras, quas a Christianis nituntur omnimodo, contra statuta *Lateranenſ.* Concilii, extorquere; Christiani facultatibus propriis sic exhaustis, vix possunt etiam respirare; super quo vobiscum meminimus nos habuisse tractatum. Sane dilectis filiis Abbate et Conventu *Westmonaſt.* referentibus nos noveritis accepisse, quod *Isaac* Judæus de *Norwico*, coram Justiciariis Judæorum eos super injusta Usurarum veratione molestare non cessat. Nos igitur volentes super præmissis honori Regio (cui in hiis mari nc derogatur) et Christianorum indemnitatibus providere; discretionem vestram rogamus, monemus, atque consulimus pro honore vestro, quatinus dictis Justiciariis injungatis, ut, usque ad adventum nostrum ad partes illas, in causa supersedeant memorata: ut tunc de nostro et aliorum prudentum nostrorum consilio hiis malis ad honorem Dei et Ecclesiæ et Domini Regis; et ad tantum scandalum abjiciendum de Regno finis debitus apponatur. Præterea, cum de consilio fuerit communi provisum, ut ad colligenda amerciamenta propter malitiam Vicecomitum socii eis darentur, miramur, quod generaliter est ipsis mandatum, ut ipsi per se ipsa colligant, quod ad damnum non modicum Domini Regis noscitur redundare. Quare vobis mandamus, ut (sicut communiter fuit statutum) ad colligenda amerciamenta ipsi Vicecomitibus in quolibet Comitatu, viros discretos & Domino Regi fideles, dari socios faciatis; mandantes per literas Regias *Waltero Maucler.* ut amerciamenta in Comitatibus *Lincoln. Nottingh. Dereb.* una cum ipsis Vicecomitibus colligere ad opus Domini Regis studeat fideliter & devotè. Dat. *Wenlie*, Non. *Julii.*

* Did not the Popes Usurers do the like?

How bufie *Pandulphus* the Popes Legate was to promote the peace and welfare of the King and Kingdom, (then under the Popes protection) and the prolonging of the Truce with *Lewelin*, and *France*, he thus relates in these his Letters to *H. de Burgo* Chief Justice of *England.*

In Bundela Literarum in Turre Lond.

P*Andulphus* Dei gratia *Norwicen.* electus, Domini Papæ Camer. Apostolicæ sedis Legatus, Nobili viro & amico carissimo *H. de Burg.* Justiciario *Angliæ*, salutem & sinceræ dilectionis affectum. Utinam quod singuli et universi, qui sciunt et possunt Regis et regni prodesse negotiis, ea ad promovenda darent operam efficacem, (sicut tenentur) necessitate temporis exigente. Nos enim (teste Deo) ad ea facienda, quæ Regi expedire videntur et regno fideliter intendimus et libenter; nec pepercimus nobis adhuc in laboribus vel expensis. Verum quia difficile nobis esset (maximè tempore isto) venire versus partes *London.* & exinde versus *Wigorn.* laborare, ubi præfixus est dies *Lewelin.* & aliis de *Marchia* in Octavis Purificationis,

non

non miremini si ad præsens secundum quod scripsistis non accedimus ad partes ipsas: Unum autem vellemus, et hoc consulimus et mandamus instanter, ut secundum formam quam vobis mittimus interclusam, vel aliam meliorem (si videritis) fiant literæ ex parte Domini Regis ad Regem *Franciæ*, pro treugarum prorogatione requirenda, secundum formam quam transmisit, si habere nequiverimus meliorem. Et mittatis ipsam sine mora per aliquem virum religiosum, quem ad hoc videritis opportunum: Provisuri ut (si unquam esse poterit) apud *Wigorn.* prædicto termino veniatis. Interim ad factum Scaccari detis operam efficacem, sicut Regi et regno cognoscatis expedire. Hiis nos scribimus, *Winton.* Episcopo, & Domino *W. Briwer.* Dat. *Bathon.* 4 Idus *Jan.* *An.* 4 H. 3.

The form of the Letterr to the King of *France* and Popes *Nuncio* concerning the Truces prorogation he then sent to *H. de Burgo* was this, wherein he relates the Popes (usurped) imperative power in commanding Kings to make Peace and Truces at his pleasure.

ILlustri Regi *Francorum*; venerabilis Pater & Dominus noster Summus Pontifex, nuper & sæpius nobis per literas suas intimavit, quod Excellentiæ vestræ sua scripta direxerat pro treugarum prorogatione, quæ captæ fuerunt inter vos & bonæ memoriæ *J.* patrem nostrum. Veruntamen nobis injunxit, ut ad hoc efficiend. ex parte nostra ad præsentiam vestram nuncios mitteremus. Et nos suis monitis et mandatis obedire volentes, et cupientes habere pacem et gratiam vestram, literas & nuncios nostros propter hoc jam sæpius misimus, & adhuc latores præsentium mittimus ad præsentiam vestram: Celsitudinem vestram rogantes, ut secundum mandatum Apostolicum et prout nobis vestris literis intimastis, treugas ipsas prorogare velitis. Nos enim parati sumus per Prælatos, Comites & Barones regni nostri treugas ipsas assecurare, cum vestros duxeritis propter hoc nuntios transmittendos. Anno 4 H. 3. in eadem Bundela in Turre London.

Item; Magistro *Petro de Collomedio* Domini Papæ Capellano, dilecto Clerico & amico suo. Intellecto studio & diligentia tua, quæ circa negotia nostra apud Dominum Regem *Franciæ* fideliter adhibuisti; prudentiæ tuæ gratiarum referimus actiones, fidem & devotionem tuam dignis in Domino laudibus commendantes. Verum quia juxta mandatum Domini Papæ per te et latorem præsentium prorogationem treugarum a Domino Rege *Franciæ* duximus requirendam; monemus discretionem tuam & rogamus, ut una cum ipso ad ipsius præsentiam accedentes, ei nostras literas præsentetis, & procedatis in facto secundum quod videritis expedire.

Istis formis addatis & subtrahatis, quicquid vobis melius visum fuerit; & injungatis nuntio, ut statim, habito responso Regis, nobis studeat intimare; nec recedat de *Francia* donec recipiat responsum nostrum.

Hereupon it seems the Truce was renewed and prolonged by these Kings, as this Charter and Oath of Earl *Waren* to observe it (filed with these Letters) intimates.

OMnibus Christi fidelibus præsentes literas inspecturis vel audituris, *W.* Comes *Waren.* salutem. Noveritis nos jurasse tactis Sacrosanctis Evangeliis, in præsentia venerabilis patris nostri Domini *Pandulphi* Dei gratia *Norwic.* electi, Domini Papæ Camer. & Apostolicæ sedis Legati; Domino nostro *Henrico* Rege *Angl.* præsente & mandante; & præsentibus etiam nunciis Domini *Philippi* Regis *Franciæ*, videlicet, Magistro *Simone de Domibus* Clerico, & Domino *Willielmo de Valle Oloris*, quod toto posse nostro & bona fide observabimus & observari faciemus Treugas captas inter Dominum *Philippum* Regem *Franciæ*, & Dominum nostrum *H.* Regem *Angliæ*, sicut in literis Domini *Philippi* Regis *Franciæ*, & Domini *H.* Regis *Angliæ* super eisdem Treugis confectis continetur. Quod ut firmum sit & stabile, præsens scriptum sigilli nostri munimine roboravimus. Actum apud *London.* anno ab Incarnatione Domini Millesimo ducentissimo decimo nono, mense *Martio.* In eadem Bundela.

It seems *Pandulphus* was purposely sent for to *London* by *Hubert de Burgo* about this Truce and affair, as this Epistle to him seems to import.

P*Andulphus* Dei gratia *Norwic.* electus, *&c.* Nobili viro & amico suo *H. de Burg.* Justiciario *Angl.* salutem in Domino. Quod versus partes *Wallia* appropinquavimus, non pro utilitate fecimus speciali, sed quia honori Domini Regis et suorum fidelium sic vidimus expedire. Et licet grave sit nobis plurimum et molestum (non peracto negotio quod incepimus, quod erat jam ad perficiendum paratum) discedere à partibus illis; tamen quia non venimus facere voluntatem nostram, In eadem Bundela.

An. 4 H. 3. nostram, sed quæ honori Ecclesiæ et utilitati Regis et regni expedire noscuntur, mutato proposito, juxta vestri consilii instantiam pro certis & multis necessitatibus, quæ (sicut dicitis) occurrerunt de novo, versus *London.* direximus iter nostrum; et sumus (ducente nos Domino) in veniendo. Utinam vestrum consilium utilitatem contineat, et noster sit labor utilis et fructuosus. Dat. apud *Cirencestr.* 3 Kalend. *Februarii.*

In another Bundle of Letters about the same year in the *White Tower*, I found this Letter of *Pandulphus* to *Hubert de Burgh* concerning *Poictiers*, and his prohibition of *Torneys* and *Justs* under pain of Excommunication, prohibited likewise by * *several Writs* and the Common Counsil of the Realm, under pain of confiscation of all their goods, which yet notwithstanding some had transgressed, whose lands he desired to be seised into the Kings hands for their contempt.

* Pat. 1 H. 3. m. 2. dorso. Pat. 2 Hen. 3. dors. 3. Pat. 3 H. 3. m. 32.

Bundela Brevium in Turre Lond. An. 4 Hen. 3.

PAndulphus Dei gratia *Norwic.* electus, Domini Papæ Camer. Apostolicæ sedis Legatus, nobili viro et amico suo *H. de Burgo* Justic. *Angliæ*, salutem in Domino. Literas quas nobis misit *Philippus de Uletot* vobis mittimus præsentibus intercluſas; monentes discretionem vestram et mandantes, quatinus provideatis terræ illi quæ per defectum Consilii Regis videtur manifestè perire: Nos enim nullam fiduciam habuimus de *Ph. de Uletot* ut illuc ire deberet, quamvis vos videremini esse valdè certi in negotio ipso, ambulando semper super maria et montes, et querendo illa quæ non possunt haberi, dilatum est usque adhuc non absque multo rubore, et valde timemus ne dampnum veniat inde grave, præterea sicut nostis, inhibuimus, hoc anno torneamenta et excommunicavimus publice torneatores, et de Communi Consilio fuit statutum ut si nec sic desisterent a torneando, eorum bona confiscarentur: Unde cum nunc, sicut dicitur, congregentur ad torneandum, monemus et mandamus, ut eis per literas Regias inhiberi facientes, terras eorum præcipiatis capi in manus Domini Regis, qui mandata Regis nolunt obedire. Expectavimus enim ut veniretis versus partes *Dorcestriæ* in quibus nunc sumus, ut de facto *Cornubiæ* tractaremus, & miramur quod non venistis. Dat. apud *Cery*, 8 Kal. *Septembris.*

He likewise writ a Letter to the Bishop of *Wynton* to the same effect, as this his answer thereto imports.

In eadem Bundela. Anno 4 Hen. 3.

REverendo in Christo patri *Pandulpho* Dei gratia *Norwicen.* electo, Dom. Papæ Camerario, Apostolicæ sedis Legato, *P.* divina miseratione *Winton.* Ecclesiæ Minister humilis, salutem, & paratum semper cum devotione obsequium. Super hoc quod nobis mandastis, ut pro negotio *Pictav.* solliciti essemus: Sciatis quod propter hoc Deo volente hac instanti die Dominica post decollationem Sancti *Johannis* Baptistæ *Winton.* veniemus, ubi cum Domino Justiciario inde tractatum habebimus, & circa idem negotium omnem quam poterimus curabimus diligentiam adhibere, & ibi si posset fieri præsentia vestra esset necessaria. Hac de causa etiam virum venerabilem Decanum *Pictav.* qui nuper venit ad nos detinemus nobiscum, eo quod ipsum idoneum, & utilem esse credamus, pro mandato hujusmodi exequendo, ad trengas videlicet impetrandas, vel ad negotium alio modo, prout melius poterit, procurandum. Cum autem de processu negotii hujus, juxta quod provisum fuit certi esse poterimus, vestræ Sanctitati curabimus intimare, præfatum etiam Decanum retinebimus, quousque suscepimus mandatum vestrum. De torneatoribus, noverit vestra Paternitas, quod nullum eorum recepimus vel recipiemus scienter in domo nostra qui ad ultimum fuerit torneamentum, sed nec aliquis de nostris Militibus ibi fuit; Et si sciremus aliquem de nostris ibi fuisse à familiaritate nostra perpetuò esset excluſus, nec de cætero sine mandato vestro apud nos gratiam inveniret. Per totum quoque Diocœsim nostrum terras eorum qui ibi fuisse noverimus, subsiciemus interdicto, quousque nobis constiterit, qui de ipsis vestræ placuerit Sanctitati. Nepotes quidem nostros & quosdam alios de Militibus nostris hac consideratione ad partes nostras remisimus, ne in *Anglia* ferrent arma. Pro negotio Domini *Rob. de Cardin.* qui pro fidelitate & servitio Domini Regis dampna plurima, & injurias graves sustinuit; vestræ Paternitati humiliter supplicamus, quatinus & taliter providere velitis ad honorem Dei, & Sanctæ Ecclesiæ, & Domini Regis, ut alii exemplum inde capiant, ne vestram de cætero audeant offendere Sanctitatem. Valeat Sanctitas vestra semper in Domino.

Moreover he sent this Letter to Chief Justice *Hubert* to issue Writs to prohibit Sheriffs to exact any thing for *Robert Fitzwalter*, who had Crossed himself for the *Holy*

Holy Land, and was in Christs service; against the Decree of a General Council, exempting such from all exactions: *An.* 4 H. 3.

Pandulphus Dei gratia *Norwicen.* Elect. Domino Papæ Camerar. Apostolicæ Sedis Legat. Nobili viro & karissimo amico *H. de Burgo* Justiciario *Angliæ*, salutem, & sinceræ dilectionis affectum. Cum omnes Crucesignati existentes in servitio Crucifixi ab omnibus exactionibus immunes esse debeant et collectis, juxta constitutionem Concilii generalis, monemus discretionem vestram et mandamus, quatinus pro dilecto filio *Roberto filio Walteri* existente in subsidio Terræ sanctæ, Domini Regis literas prohibitorias ad Vicecomites *Essex. Hertford. Norff.* & *Suffolciæ* fieri faciatis, ne occasione Domini Regis aliquid exigerent ab eodem, quod tamen in servitio Terræ sanctæ constitit eum esse. Dat. *London.* 8 Kal. *Octobris.*

To which I shall annex this Letter to the Bishop of *Winchester* and *William Briwer*, to receive the Castle of *Fodring* from the Earl of *Pembroc* for the Kings possession, in obedience to the Popes premised Bull, and his Legates commands and censures.

VEnerabili in Christo Patri P. Dei gratia *Wintonien.* Episcopo, & nobili viro *Willielmo Briwer*; *Pand.* miseratione divina *Norwic.* electus, Domini Papæ Camer. Apostolicæ sedis Legatus, salutem in Domino. Si nullum adhuc misistis pro recipiendo Castro de *Fodring* à nobili viro *W. Mareschallo* Comite *Pembr.* quia nos nullum misimus, monemus discretionem vestram & mandamus quatinus secundum quod inter nos conditum fuerat, mittatis aliquem de familia Domini Regis cum literis ipsius patentibus pro recipiendo Castro ipso à nobili memorato, qui illud diligenter custodiat, donec cum Domino Rege *Scotiæ* locuti fuerimus. Dat. apud *Stamford.* 8 Idus *Octobris.* In eadem Bundela.

He likewise writ this Letter to the Chief Justice, *Hubert*,

P*Andulph.* Dei gratia *Norwicen.* electus, Domini Papæ Camer. Apostolicæ sedis Legatus, Nobili viro & amico suo *H. de Burg.* Justic. *Angliæ*, salutem in Domino. Visis & intellectis universis literis quas *P. de Hulecot* super facto *Rog. Bertran.* misit, & vos nobis super eodem destinastis, dolemus plurimum & movemur, quod indiscreto usus consilio, Domini Regis ac nostrum mandatum prequi non curavit, occasiones frivolas præponendo. Et quia propositi nostri est excessum hujusmodi non dimittere impunitum, et hæc offensa tangere noscitur totum regnum, absque vestro et aliorum Regis fidelium consilio procedere nolumus in hoc facto; ne fortè temerarium diceretur ab æmulis, vel minus providum, etiamsi esset satis bonum solum consilium nostrum. In proximo enim cum simul erimus circa partes *Brigorn.* ubi vos et omnes alios volumus et rogamus habere præsentes, de hiis et aliis pluribus, quæ imminent, taliter auctore Domino cum deliberatione provida disponemus, quod ad honorem Domini Regis et infidelium confusionem cedet, et statuta nostra debitam firmitatem tenebunt. Si enim super hiis vestrum & aliorum qui sunt in Scaccario expressissetis consilium, processissemus forsitan adhibito consilio vestro. Dat. apud *Malmesb.* 8 Kal. *Februarii.* In eadem Bundela.

I pretermit all his other Letters in that Bundle, being of less publick importance; these transcribed being sufficient to manifest this Nuncioes domineering power in the Realm, during the Kings minority.

In the same Bundle I find this Petition of the Prior of S^t. *Patrick* of *Dune* in *Ireland* to the King to grant them some small Cell to reside in in *England*, their houses in *Ireland* being frequently burnt and consumed by the Wars, for S^t. *Patrick*'s and other *Irish* Saints sakes, whose Reliques they then sent to the King for a present,

VEnerabili Domino suo *H.* Dei gratia illustri Regi *Angliæ*, Domino *Hiberniæ*, Duci *Normanniæ*, Comiti *Andegaviæ* & *Aquitaniæ*; Prior & Conventus Ecclesiæ Sancti *Patricii* de *Duno*, salutem & orationes in Christo. Excellentiæ vestræ transmittimus Monachum nostrum cum feretro patronorum *Hibern. Patricii, Columbæ* & *Brigidæ*, & eorum reliquiis; quatinus pro eorum reverentia & pro promissò quod Dominus noster pater vester promisit; scilicet, se benefacturum Ecclesiæ nostræ, et pro vobis qui Dominus estis totius terræ, patronorum *Hiberniæ* et patronus, aliquam mansiunculam in *Anglia* ubi cum opus fuerit poterimus hospitari, nobis caritative detis; domus vero Sancti *Patricii* sæpe per Werram desolatæ sunt & combustæ, cum Ecclesia quæ de novo incipit redificari; undè auxilio vestro quamplurimum indigemus, Valete. In eadem Bundela.

An. 4 H. 3. In the same Bundle also I found this Letter of the Prior and Covent of S^t. *Edmunds* to the Dean of *Lichfield*, not to sue or suffer his Officers to molest their Tenants at *Hingham* for Tithes of Hay, Mills, Heaths and other things which they had peaceably enjoyed Tithe-free for 40 years; there being Lands given them in lieu of Tithe-hay.

An. 4 Hen. 3. In eadem Fundela, in Turre London.

VEnerabili viro Domino & amico in Christo, charissimo *R. de Nevill* Decano de *Lichfeld*; *H.* Prior Sancti *Edmundi* & Conventus ejusdem loci, obsequiorum plenitudo cum salute. Serenitati vestræ super beneficiis totiens nobis & nostris liberaliter impensis gratiarum referimus actiones; rogantes quatinus solita liberalitate vestra præcipiatis Capellano & servient. vestris apud *Hingham*, ne nova et indebita exigant a Dominicis nostris et hominibus nostris, ratione Decimarum; turbando nos et nostros super his quæ pacifice possedimus per quadraginta annos; videlicet, Decimas de Fœno, et de Molendinis, et de viduis Denar. Sancti *Petri*; quod est nostris partibus inauditum. Præterea non lateat vos, quod antiquis temporibus data fuit una Acra Prati pro decimatione Fœni; et est Ecclesia, sicut dicitur, in possessione illius Acræ. Item, exigunt Decimas de Bruariis, quas nunquam dedimus, nec aliquis vicinorum nostrorum. Rogamus igitur, ut de pacifica possessione gaudere possimus, donec colloquium habuerimus super hiis vobiscum. Valete in Domino.

The Bishop of *Lincoln* and Abbot of *Dorkester* molesting, suing, and excommunicating the Tenants of the Manor of *Benfington* held of the King, to their great injury and grievance for their Lay-fees, to defraud the King of his right; they thereupon prayed the Chief Justice to stay their proceedings, and to assign a day to hear both parties before the King and his Counsil in the Exchequer, where they would defend the King's right and Title against their encroachments.

In Fundela Literarum, &c An 4 H. 3 in Turre Lond.

DOmino & amico charissimo *H. de Burgo* Domini Regis Justciario, suus *Engel. de Sigon.* salutem, & paratam ad obsequia voluntatem. Noveritis, Domine, quod Dominus *Linc.* Episcopus, occasione cujusdam exclusæ quam idem tenet de Domino Rege, per servitium duorum solidorum per annum, & Dominus Abbas de *Dorkestr.* occasione cujusdam prati, quod tenet de Domino Rege per servitium trium solid. & sex denar. per annum; Domino Regi michique & hominibus Domini Regis de Manerio de *Benfington*, magnam injuriam et gravamen diebus singulis pro posse suo inferre non cessant, Dominum Regem de jure suo intendentes, proculdubio spoliare; super quod Dominus *Linc.* Episcopus de duabus causis prædictis, homines nostros Dominicos, et homines dicti Manerii, quia jus Domini Regis et suum pro posse suo defendunt, Excommunicationis sententia innodavit, et adhuc tenet excommunicatos; ad quod dilectionem vestram omni quâ possum devotione deprecor, quatinus literas Domini Regis prædicto Domino *Linc.* et Domino Abbati de *Dorkestr.* directas de defenso, quod non procedant de Feodo laicali quod tenent de Domino Rege sicut dictum est; et quod intendunt in puram Elemosinam trahere, nobis vestri gratia habere faciatis eisdem; et de loquela quæ vertitur inter ipsos et nos, pro jure Domini Regis, diem certum coram vobis et aliis Consiliariis Domini Regis ad Scaccarium assignatis; & ego in propria persona mea una cum hominibus meis dicti Manerii, ad jus Domini Regis observandum interesse procurabo: super quibus vestri gratia, pro honore vestro, et jure Domini Regis observandis curam apponatis. Valete.

About the same year, in the same Bundle, I met with this Epistle of a *Roman* Cardinal, (formerly a Notary, to whom King *John* had granted an annual pension of 20 Marks a year for his good services to him) writ to King *Henry* his successor, importuning him to pay all the arrears of it due unto him for 6 years, and likewise to augment his stipend since his advancement to an higher degree, for the grand services he had done, and would alwayes do for him in the Court of *Rome*.

In eadem Fundela.

MAgnifico & sublimi Principi amico karissimo Domino *H.* Dei gratia Regi *Anglorum* illustri, *R.* miseratione divina Sanctæ *Mariæ* in *Cosmidin.* Diac. Cardinalis, salutem & sinceræ dilectionis affectum. Si regia circumspectio suæ Serenitatis inflecteret oculos, ut suorum merita respiceret amicorum, nos fortè censeret collato nobis beneficio Regio non indignos. Si enim sciretis plenius, & retineretis memoriter labores multiplices, anxietates et sollicitudines quas nos olim pro claræ memoriæ Domino *J.* parte vestro et vobis, non sine sudore vultus nostri et vigiliis multis pertulimus, nullo modo dubitare possemus, quin devotionis

nostræ

nostræ haberetis diligentiam cariorem. Sanè cum in minore dudum constituti officio, *Notariæ gerentes exercitium*, pro negotiis Regiis frequenter nobis commissis cum omni studio et diligentia laboravimus die noctuque, cum id summa necessitas postularet, quæ se subsequentibus casibus ingerebat; ipse Dominus Rex pater vester hoc audito à pluribus nuntiis suis, (qui quod viderant fideliter retulerunt) annuum redditum viginti marcarum nobis liberaliter contulit; promittens nobis in uberiori beneficio, prout Regiam deceret munificentiam et recipientis status erigeret, providere. Cum autem postmodum nos Dominus in gradum provexit altiorem, eodem patre vestro (sicut Domino placuit) sublato à medio, sinceræ devotionis affectum, quem ad ipsum habuimus, ad vos extendimus successive, pro vobis utique (sicut feceramus pro ipso) quotiens expedire vidimus, indefessa laborare sollicitudine non cessantes; sicut nuntii vestri, qui pro vobis frequenter ad sedem venerunt Apostolicam, vobis potuerunt et poterunt (si voluerint) plenius declarare. Undè non immerito credimus & speramus, ut et vos paternis vestigiis inhærentes, dilectionem illam, quam erga nos Dominus Rex pater vester habuerat, habere velitis, et erga nos suæ liberalitatis propositum impleatis. Veruntamen vehementer cogimur non sine causa mirari, quod jam per sex annos nostrum nobis non fuerit beneficium persolutum. Quare Celsitudinem Regiam affectione qua possumus exoramus, quatinus reditus nostros totius temporis præcedentis venerabili patri Domino * *P. Norwicen.* Episcopo, vel ei quem ipse ad hoc procuratorem nostrum constituerit, facientes (si placet) cum integritate persolvi. Nobis in antea in aliquo uberiori beneficio, (assignando in aliquo certo loco) juxta quod vestræ liberalitatis munificentiam deceat, providere velitis; Scituri pro certo, quod nos vobis omni tempore (quantum cum Deo et honestate nostra poterimus) de bono in melius cupimus et disponimus totis viribus complacere. *Out of lucre to gain a Pension, without which Popes themselves, their Officers and Cardinals would dispatch no businesses for him.*

An. 4 H. 3.

* Therefore this was written before his return out of England, Anno 5 H. 3.

Tom. 2. p. 379. l. 41. after *Wars*, insert; * *Mat. Westminster* thus relates this business: *Circa idem tempus* Gulielmus de Fortibus *Comes de* Alba Maria, *occupans quædam Castra injustè, ad pacem Domini Regis nolens redire, excitavit contra eum hostilem rebellionem in* Lincoln. unde Episcopo (who confederated with the Earl against the King) et singulis fautoribus ejus a Legato Pandulpho et Episcopis et Clero Angliæ, ob scelus tale perpetratum, excommunicatis, idem Comes irreverenter coactus est ad deditionem, quibusdam ex suis carceribus mancipatis, quibusdam exilium perpetuum subeuntibus.

* Mat. Westm. p. 111.

The same year I meet with this memorable Record, concerning a marriage contract between *Alexander* King of *Scots*, and King *Henry* the 3d (then an Infant) that *Alexander* should marry *Joan*, eldest Sister of King *Henry*, by a set time; and that King *Henry* should cause both of the King of *Scots* Sisters sent into *England* to be there married to his and their honour by a certain time, or else to return them safely into *Scotland*; which several Bishops and one Abbot, as the Kings sureties, promised only in the word of truth to see performed, and to *excommunicate* all oppugners thereof within their respective Dioceses; but the Temporal Lords which were his sureties, took a *solemn Oath* before the Popes Legate to see performed; as if their promise upon their *Honours*, *Truth*, without an Oath, were not so valid or obligatory as the Bishops and Abbots words, who then upon all occasions advanced themselves and their Ecclesiastical Censures too, over Kings and Nobles, even in cases of civil contracts *ratified by an Oath.*

REX Archiepiscopis, Episcopis, Abbatibus, Comitibus, Baronibus, Militibus, & liberè tenentibus, & omnibus fidelibus suis ad quos præsens scriptum pervenerit, salutem. Ad universitatis vestræ notitiam volumus pervenire, quod nos dabimus dilecto & fideli nostro *A.* illustri Regi *Scotiæ*, *Johannam* primogenitam sororem nostram in uxorem, ad festum Sancti *Michaelis* anno ab Incarnatione Domini 1220. si eam habere poterimus, & nos & consilium nostrum laborabimus ad eam habendam. Et si fortè eam habere non poterimus, dabimus ei in uxorem *Isabellam* juniorem sororem nostram infra 15 dies proximos sequentes post prædictum terminum. Maritabimus etiam *Margaretam* & *Isabellam* sorores ipsius *A.* Regis *Scotiæ*, à festo Sancti *Dionysii* anno ab Incarnatione Domini 1220. in unum annum in terra nostra, ad honorem nostrum & ipsius Regis *Scotiæ*; vel si eas non maritaverimus infra prædictum terminum, reddemus eas dicto *A.* Regi *Scotiæ* salvo & liberè in terram suam infra mensem proximum post terminum prædictum. Domi-

Pat. 4 H. 3. m. 5.

An. 4 & 5 Hen. 3.

nus *W.* autem *Eboracensis* Archiepiscopus, *P. Wintoniensis*, *R. Dunolmensis*, & Cancellarius noster, *H. Carleolensis* Episcopi, & *S.* Abbas *Reding.* promiserunt * verbo veritatis, quod bona fide laborabunt quod omnia prædicta compleantur, et quod compellent contradictores, singuli scilicet in Parochiis suis, per censuram Ecclesiasticam quod prædicta observentur, et super hoc Cartas suas dederunt eidem *A.* Regi *Scotiæ*. *H.* etiam de *Burgo* Justiciarius noster *Angliæ*, *W.* Comes *Waren. W.* Comes *Albemarliæ*, *Robertus de Ros*, *Falkasius de Breant*, *Willielmus de Cantilupo*, *Willielmus de Lancastria*, *Galfridus de Nevill*, *Radulphus de Trublevill*, *Robertus de Vallibus*, *Phil. de Albiniaco*, *Hugo de Bolebec*, *Rogerus Bertram*; *Osbertus Giffard*, *Johannes Russel*, juraverunt se observaturos bona fide hoc idem quod Archiepiscopus et Episcopi promiserunt in verbo veritatis, et inde similiter Domino *A.* Regi *Scotiæ* Cartas suas fecerunt. Et nos ad majorem rei hujus securitatem hanc Cartam eidem *A.* Regi *Scotiæ* fieri fecimus, sigillo nostro sigillatam. Dat. apud *Eborum*, in præsentia Domini *Pandulphi Norwicensis* electi, Domini Papæ Camerarii, et Apostolicæ sedis Legati, 15 die *Junii*, anno regni nostri quarto.

* Without Oath.

An. 5 H. 3.

The same year the King, at the Legates instigation, both under pain of imprisonment and forfeiture of Lands and Goods, and likewise of Excommunication by the Popes Legate, (not Archbishop or Bishop of the Dioceese) prohibited Torneys or Justs to all his Nobles and Subjects, by this Writ; though King * *Henry* the 2d. sometimes commanded and authorized them, against sundry Canons of Popes and Councils.

* Here, Tom. 1 p. 1049, 1050.

Pat. 5 H. 3. m. 3.

REX omnibus qui venturi sunt ad Torneamentum die Martis in Octabis Apostolorum *Petri* & *Pauli*, salutem. Mandamus vobis firmiter præcipientes, quatinus in fide qua nobis tenemini sicut corpora vestra, res, terras, & omnia catalla vestra diligitis, nullatenus ad Torneamentum conveniatis apud *Brackel*, nec Torneamentum ibi teneatis. Quod si feceritis, proculdubio indignationem nostram, et sententiam excommunicationis a Domino Legato latam incurretis. Et insuper nos ad corpora vestra, terras, res, et catalla vestra nos capiemus. Teste *H.* apud *Kidem.* 4 die *Julii*. *Here is a quadruple penalty threatned, for this one offence.*

* Mat. Westm. p. 109, 110.

Tom. 2. p. 383. l. *ult.* after *relation*, adde; * *Mat. Westminster* renders us this brief account of the Kings second Coronation, and premised contention between *Richard* Bishop of *Durham* and his Monks: *Anno* 1220. *Rex* Henricus *coronatus est apud* Westmonasterium *die Pentecostes à* Stephano Cantuariensi *Archiepiscopo*, *præsentibus Domino* Pandulpho *Legato*, *& Episcopis aliis*, *Pralatis*, *Comitibus*, *Baronibus & Majoribus* Angliæ, *à quo Archiepiscopo prædicatur ibidem* Crucis signato. *Hoc etiam anno*, *imminente tempore Adventus Dominici*, orta est contentio gravissima *inter* Dunelmensem *Episcopum* Richardum, *& Monachos*, eo quod esset substantiæ Ecclesiasticæ indiscretus et prodigus dilapidator. *Undè sub appellatione se protegens Episcopis*, plus solito profusis opibus, Romam adiit, ubi Ecclesiam suam plusquam triginta millibus marcarum conflavit: (such was the fruit of his appeal, such the intollerable bribery and corruption of the *Roman* Court.) Prior atus vero et Episcopatus hac continuata controversia, damna incurrit impreciabilia, as *Matthew Westminster* observes.

* Mat. Westm. p. 110, 111. See Tom. 2. p. 384.

Tom. 2. p. 384. l. 23. after *consecratur*, adde; * Benedicto Roffensi *Episcopo*, *gerente vices Domini* Stephani Cantuariensis *Archiepiscopi*, *qui tunc propter spiritualia negotia sanctæ Ecclesiæ & regni* Angliæ, *in partibus agebat transmarinis*, *Legato verò præsente*. *In brevi postea*, *die* Lunæ, *videlicet proxima ante festum beatæ* Mariæ Magdalenæ, Pandulphus Norwicen. *electus* cessit legationi suæ ex mandato Domini Papæ Honorii, *præsentibus* Richardo Sarisbur. Petro Winton. Eustachio London. *Episcopis*, *apud* Westmonasterium, nullo alio tunc ei in legatione succedente. *Ille quidem multos bellicos tumultus*, *nondum congelatos*, auctoritate sibi tradita tempore legationis viriliter compescebat. *Idem* recessit ab Anglia *post festum Sancti* Michaelis.

Several persons seising and detaining the Lands and Escheats belonging to King *Henry* the 3d. during his infancy, and detaining them in their hands to his prejudice, being under the Popes protection as an Orphan, *Crossed* for the *Holy War*; he thereupon sent this Bull to his Privy Counsil, to compell them by the power given them to restore them to his hands notwithstanding any Appeal, or former Bull of his to the contrary; the Original whereof I found in the *White Tower*.

An. 5 H. 3. in Turre Lond.

HONORIUS Episcopus, servus servorum Dei; venerabili fratri *Wintoniensi* Episcopo, & dilectis filiis nobilibusque viris *H. de Burgo* Justiciario, *R.* Comiti

Comiti *Ceſtriæ, Willielmo Briguere*, ac aliis Conſiliariis chariſſimi in Chriſto filii noſtri *H.* Regis *Anglorum* illuſtris, ſalutem & Apoſtolicam benedictionem. Cum chariſſimus in Chriſto filius noſter *Henricus* Rex *Anglorum* illuſtris Cruceſignatus et Dꝛphanus ſub ſpeciali ſedis Apoſtolicæ pꝛotectione conſiſtat, indignum eſt penitus et abſurdum, nobiſque poſſet non immerito imputari, ſi eum qui pꝛopter ætatis defectum ſe defendere nequit fraudari ſuis juribus pateremur. Cum igitur ſicut ex parte ipſius noſtris eſt auribus intimatum, *Gaurdæ* & *Eſcheatæ* pertinentes ad Regem detineantur à pluribus occupatæ, qui eas Domino invito contrectant; Univerſitati veſtræ per Apoſtolica ſcripta mandamus, quatinus ipſas ad manus Regis ejuſdem revocare curetis, contradictoꝛes poteſtate vobis tradita, ſublato appellationis obſtaculo compeſcendo: nullius literis obſtantibus a ſede Apoſtolica impetratis, cum non ſit veriſimile nos in Regis pꝛæjudicium, aliquas literas de certa ſcientia conceſſiſſe. Dat. *Lateran.* 3 Kal. *Maii*, Pontificatus noſtri anno quinto. Dorſo. *De reſtituendis Terris & Caſtris Regi; ſcribendum eſt Papæ ultimum verbum.* *An.* 5, 6 & 7 Hen. 3.

Tom. 2. p. 384. l. 19. after *ſexto*, adde; This year Pope *Honorius*, who by his former Bulls conſtantly endeavoured to preſerve the rights of the infant-King againſt the Barons and others who detained his Lands, Caſtles, Wards, Eſcheats and ſervices, endeavoured to deprive him and his Temporal Courts of all their Juriſdiction in caſes of Præbendaries and Advowſons, commanding his Legates to inhibit the King Juſtices to hold Plea of a Præbendary which the Archbiſhop of *York* pretended to belong to his Church, at the ſuit of *Henry de Percy* who laid claim unto it, inhibiting the Kings Counſil to countenance his ſuit, as contrary to the Churches liberties, menacing to take ſome ſeverer courſe againſt them if they did it not, by this inſolent Bull, the original whereof I found in the *White Tower*.

HONORIUS Epiſcopus, ſervus ſervorum Dei; dilectis filiis Conſiliariis chariſſimi filii noſtri *H.* Regis *Anglorum* illuſtris, ſalutem & Apoſtolicam benedictionem. Venerabilis frater noſter Archiepiſcopus *Eboracen.* tranſmiſſa nobis petitione monſtravit, quod cum olim nobilis vir *Richardus de Percy* Miles, ſuæ Dioc. ipſum ſuper collatione cujuſdam Pꝛæbendæ *Eboracen.* ad donationem ejuſdem Archiepiſcopi pertinentis, per literas Regias ad foꝛum ſeculare traxiſſet, licet dilecti filii noſtri *G.* titulo Sancti *Martini* Pꝛæsbyter Card. pꝛimo, poſtmodum *P. Norwicen.* electus, tunc Apoſtolicæ ſedis Legati literarum ipſarum uſum exꝛeſſe interdixit Militi ſupꝛadicto, Juſticiariis Regis nichilominus inhibendo, ne ſuper hujuſmodi contra libertatem Eccleſiæ interponerent partes ſuas tamen; idem Miles ſuper Eccleſia de *Dunigthue* quæ ipſius Pꝛæbendæ membꝛum exiſtit, novam contra eundem Archiepiſcopum ſuſcitans quæſtionem, ipſum in eodem foꝛo nititur convenire. Cum igitur non ſolum abſurdum ſit, ſed etiam abuſivum, ut Eccleſiaſticæ cauſæ in foꝛo ſeculari tractentur, nec nos id deꝛecat æquanimiter tolerare; diſcretionem veſtram monemus et hoꝛtamur attente, quatinus vos nullatenus intromittatis de pꝛoſecutione hujuſmodi quæſtionis, nullumque Militi pꝛædicto ſuper hoc pꝛæſtetis ſuffragium vel favoꝛem, ita quod exinde aliter pꝛocedere non cogamur. Dat. *Alatri*, 7 Kal. *Junii*, Pontificatus noſtri anno ſexto. *An.* 6 H. 3. In Turre Lond. An. 6 H 3.

Yet notwithſtanding this Bull the King and his Judges held * Plea of Advowſons and Præbendaries, and granted Prohibitions to Eccleſiaſtical Courts not to hold Plea of them againſt the rights of his Crown. * See Tom. 2. pag 388, 389, 725, 874 to 878.

The Popes Delegates holding Plea in a caſe of Matrimony between *William Taleboth* and the Wife of Sr. *William de Breant*, her husband thereupon to preſerve his intereſt, appealing from the Delegates to the Pope, procured this enſuing Bull to them; the original whereof I found in the *White Tower*. *An.* 7 H. 3.

HONORIUS ſervus ſervorum Dei, venerabili fratri Epiſcopo *Wintonienſi* & dilectis filiis Abbati & Priori de *Dorkceſtre Lincoln.* Dioc. ſalutem & Apoſtolicam benedictionem. Ex relatione *Willielmi* Militis de *Breante* nos noveritis accepiſſe, quod cum *Will. Taleboth* laicus *Sarisburien.* Dioc. de *Merlai*, uxorem ipſius Militis coram venerabili fratre noſtro Epiſcopo *Lincoln.* & conjudicibus ſuis auctoꝛitate noſtra ſuper matrimonio conveniret, dictus Miles rem ſuam agi conſpiciens, et ſibi ex hoc metuens pꝛæjudicium generari, noſtram pꝛo jure ſuo audientiam appellavit; ſuoque diſcretioni veſtræ per Apoſtolica ſcripta mandamus, quatinus ſi eſt ita, revocato in ſtatum debitum quicquid poſt hujuſmodi appellationem in ipſius Militis pꝛæjudicium temere inveneritis attemptatum, audiatis quod idem Miles pꝛo ſe duxerit pꝛoponendum, et hinc inde pꝛopoſitis intellectis quod Canonicum Anno 7 H. 3. in Turre London.

An. 7 & 8 Hen. 3.

Canonicum fuerit appellatione postposita statutis; facientes quod statueritis per censuram Ecclesiasticam firmiter observari. Alioquin partes ad Priorum Judicum remittatis examen, appellantem in expensis legitimis condemnantes; Testes autem qui fuerunt nominati si se gratia, odio, vel timore subtraxerint per Censuram eandem appellatione cessante cogatis veritati testimonium perhibere. Quod si non omnes his exequendis potueritis interesse, tu frater Episcope cum eorum altero ea nichilominus exequaris. Dat. *Laterani*, 3 Kal. *Maii*, Pontificatus nostri anno septimo.

Dorso. *Judicibus super quodam Matrimonio.*

Tom. 2. p. 387. l. 21. after *Norwic.* adde; It appears by this ensuing Writ that King *Henry* the 3d. his Officers seised and claimed the disposition of Intestate persons Goods, by virtue of his Royal Prerogative as Supreme Ordinary; not then legally appertaining to his Bishops or Ordinaries, who by degrees usurped a Jurisdiction over them, by colour of the * forecited clause in his Father King *John*'s Charter, which gave them no such Jurisdiction.

* See here, p. 18, 19, &c.

Clauf. 7 H. 3. pars 2. m. 16. See Cooks 9. Report, f. 38, 39. Hensloes case, and 2 Instit p. 491.

REX Vicecomiti *Linc.* salutem. Constat nobis per inquisitionem missam sub sigillis *S. de Segrave*, & aliorum proborum & legalium hominum, quod *Richardus* filius *Idoniæ* non obiit intestatus: Et ideo tibi præcipimus, quod omnia catalla ipsius *Richardi* in manum nostram capta in Balliva tua, *(by pretext that he dyed Intestate)* sine dilatione habere facias Prioribus de *Nokinton*, & Sanctæ *Katerinæ Linc.* & Subdecano Ecclesiæ *Lincoln.* & Suppriori de *Noketon*, & *Richardo de Linc.* Clerico, executoribus testamenti ipsius *Richardi*, ad faciendum inde rationabile testamentum suum. Teste *H.* &c. *apud* Glouc estriam, 20 die *Marcii.*

An. 8 H. 3.

It seems that *Anno* 1223. (not 1217. as Sir * *Henry Spelman* mis-conjectures) immediately after the Council of *Oxford*, *An.* 1222. mentioned by him, *Richard Poore* Bishop of *Sarum*, by his Episcopal authority, took upon him to make several Constitutions for his Diocesse of *Sarum*, and also of *Durham* after his translation thither, to advance his Episcopal Jurisdiction over the Clergy and Laity; wherein as you may observe the frequent whoredomes, and general incontinency of Priests, Prebends, Monks, in keeping of Whores and Concubines openly, to the scandal of the people, (being prohibited marriage, though he makes it a Sacrament, and highly recommended it to all Lay-men, to prevent these sins;) with the frequent abuse of Excommunications in several cases, in pursuance of the Council of *Oxfords* Decree; So he published sundry Constitutions, prejudicial to the Liberties and Properties of the Laity; witness his Constitutions *De Testamentis faciendis.* Præcipimus quod Laicis inhibeatur frequenter, ne testamenta sua faciant, sine præsentia Sacerdotis, sicut diligunt quod eorum extremæ voluntates adimpleantur. † *Inter alia etiam singuli Sacerdotes infirmos suos moneant & efficaciter inducant*, quod fabricæ Sarum *Ecclesiæ suæ memores, prout Deus inspiraverit illis*, in Testamento suo, de bonis suis relinquant. *Sacerdotibus autem similiter inhibemus*, ne Testamenta sua per manum ordinant Laicalem: Ne viri Ecclesiastici Sacramentum fidelitatis Laicis præstent, for the Temporalties held of them. *Si Patroni, vel Advocati, aut Feudatarii, seu Vicedomini alicujus Ecclesiæ Rectorem, vel alium Clericum ipsius Ecclesiæ, per se, vel per alios occidere ausu nefario præsumserit*, Patroni jus usque ad quartam generationem amittant, et posteritas talium in Clericorum collegium nullatenus assumatur, nec in dignitatibus Dominicis alicujus Prælatiæ assequatur honorem: *Ne quis Rector Ecclesiæ* ædificet in loco Laicali. Which were all likewise decreed in the * *Provincial Constitutions* made and published by *Edmund* Archbishop of *Canterbury*, *Anno Dom.* 1236. Thus did our usurping Popish Prelates, like so many petty Popes, by their own illegal *Constitutions*, never consented to by the King and Parliament, encroach continually, by degrees, in matters of Testaments and other things, upon the Liberties, rights, properties and free-holds of the Lay-Subjects, as well as Prerogatives of the King.

* Spelmanni Concil. Tom. 2. p. 137, to 151.

† Ibid. p. 155, 157, 180.

* Joh de Aton, Const. Provin. f. 144, 145. Spelmanni Concil. pag. 204, 205, 206. Lindewode, l. 5. c. f. 221.

Pope *Honorius* being informed that King *Henry* forgetting the great and faithfull services done by the Bishop of *Wincheſter* to him and his Father King *John* had injured and molested him concerning the Liberties of his Church, and denyed him leave to repair to *Rome* about the breach of his Vow, in not going to the *Holy Land*, and the affairs of his Church; which he could not do without the Kings special license, sent this original Bull to him upon these occasions; which I met with in the *White Tower.*

HONO-

An. 8 H. 3.

Anno 8 H. 3. in Turre London.

HONORIUS, *&c.* Chariſſimo in Chriſto filio *Henrico* Regi *Angliæ* illuſtri, *&c.* Sinceræ fidei & devotionis conſtantia, quam venerabilis frater *Wintonienſis* Epiſcopus claræ memoriæ *Johanni* Regi *Angliæ* patri tuo ac tibi ipſi exhibuit in non parvæ neceſſitatis articulo, excidere non debet à tua memoria, ſed in perpetuis temporibus inhærere. Audivimus autem, & audientes nequivimus non mirari, quòd quaſi ejus fida utiliaq; obſequia dicto patri tuo ac tibi exhibita jam oblivionem acceperint, libertates ejus Eccleſiæ ab eodem patre tuo aliisque Regibus *Anglorum* indultæ (ſicut apparet per literas eorundem) te diſſimulante jugiter infringuntur. Monemus igitur circumſpectionem tuam & hortamur attentius, quod ejuſdem Epiſcopi fidem et obſequia recolens, et quantum tibi vitanda ſit noſtra et Apoſtolicæ ſedis offenſa diligenter attendens, prædictam Eccleſiam (quam dudum in noſtram protectionem receperimus) cum omnibus bonis ejus habeas propenſius commendatam; et injurias eidem illatas facias emendari: eamque ne ipſe moleſtes ſuper libertatibus et aliis honoribus vel juſtitiis ſuis, nec a tuis permittas ſubditis moleſtari: ſed eam, ſicut ad Regiam pertinet celſitudinem (ſpecialiter conſideratione dicti Epiſcopi) protegas et defendas. Ad hæc cum idem Epiſcopus diſpoſuerit ad noſtram venire præſentiam, tractatum nobiſcum ſuper executione voti, (quod de tranſeundo in ſubſidium Terræ Sanctæ ſuſcepto ſigno Crucis omiſit) aliisque ſuis et Eccleſiæ ſuæ negotiis habiturus, et his qui volunt ad partes accedere cismarinas egreſſus (ſicut fertur) non pateat abſque tua licentia ſpeciali, prædictum Epiſcopum cum comitatu ſuo libere venire permittas ad nos, et ad *Romanam* Eccleſiam matrem ſuam, nec impediri per aliquos aliquatinus patiaris; quia hoc non magis in tuam quam in noſtram et Apoſtolicæ ſedis injuriam redundaret. Te ſpero nobis obſequentem exhibueris in omnibus ſupradictis, quod rumorem, qui ſuper his ad nos venerit, comprobes eſſe falſum, et operis exhibitione demonſtres te memorem eſſe et reverentiæ quam debes Apoſtolici levi, et puræ fidei Epiſcopi ſupradicti, quorum nullo debet tempore oblivisci. Dat. *Laterani*, 15 Kal. *Februarii*, Pontificatus noſtri anno octavo.

Placit apud Weſtm. in 8 H. 3. rot 4 intus, Hereford.

In the Plea-Rolls in the *Tower*, *Anno* 8 Hen. 3. I found theſe three Suits and Attachments for ſuing for Lay-fees, and Chattels not of Teſtament or Matrimony in Courts Chriſtian, and holding Plea of them againſt the Kings Prohibitions; the brief hereof I ſhall here preſent you with.

Ibid. rot. 5. Wiltes.

Elias Peſter *Eſſon. Magiſtri* Thom. Foliot, *& Eſſon. Prioris* Hereford. *opt. ſe* 4 *die verſ.* Wilielmum de Wearwaling & Walterum Spignel, *de Plac.* quare ipſi tenuerunt placitum in Curia Chriſtianitatis de laico feodo in Dadelington, contra prohibitionem, &c. *Et ipſi non venerunt*, &c.

Ibid. rot. 6. à die S. Trin in tres ſeptimanas, Oxon.

Will. de Francers *per Att. obt. ſe* 4 *die verſ.* Robertum *fil.* Andreæ, *de Plac.* quare ſecutus eſt placit. in Curia Chriſtianitatis de laico feodo ejuſdem Roberti in Stocton, contra prohibitionem, &c. *Et ipſe non venit*, &c.

H. de Codungham *obt. ſe* 4 *die verſ.* Patr. S. Frideſwith *& Decanum* Oxon. quare tenuerunt placitum in Curia Chriſtianitatis de catallis, &c. quæ non ſunt de Teſtam. vel Matrimonio, &c. *contra prohibit.* &c.

In a Bundle of Letters in the *White Tower* there is exant this original Letter written by the Biſhop of *Lichfield* to the Chancellor of *England*, concerning the Popes and Cardinals great affection, adviſe, and aſſiſtance to the King in his intended Marriage with the Earl of *Britains* Daughter, and his affairs in *Poitiers* and *France*; whereby we may diſcover their craft and delayes, to gain more moneys, penſions, preſentments, and a greater compliance with their demands from the King.

Bundela Literarum in Turre London. An. 8 H. 3.

VEnerabili in Chriſto patri *R.* Dei gratia *Cicestren.* Epiſcopo, *A.* ejuſdem miſeratione *Lichfeld.* Eccleſiæ Miniſter humilis & ſuus collega, ſalutem in Domino. Diſcretionem veſtram latere nolumus, quod cum pro negotio nobis injuncto laboraverimus (ſi fas eſt dicere ultra quam fas ſit credere) tandem, (concedente Domino) quod petivimus, obtinuimus in principali; licet literas ſuas ſuper hoc ad præſens nolit Dominus Papa concedere. Sed de mandato ſuo ſpeciali literas ſuas nobis dirigunt, (quas etiam coram ſe legi fecit Dominus Papa) ſubſcripti Cardinales. Literas autem, licet habebamus eas deputatas, non duximus præſentibus nunciis propter marium pericula committere: tenor autem earum hic eſt; *Egregio & magnifico viro, Domino* H. *Dei gratia Regi* Angliæ *illuſtri*, P. *miſeratione divina Epiſcopus* Albanenſis, G. *titulo S.* Martini, *S.* Baſilicæ *duodecim* Apoſtolorum, *&* J. *titulo Sanctæ* Praxedis, Præbyteri Cardinales, *Salutem in eo qui Regibus dat ſalutem:*

Pro

An. 8 H. 3. Pro obtinenda dispensatione matrimonii inter vos et filiam nobilis viri Comitis *Britanniæ* contrahendi, cum venerabili patre Episcopo *Coventrensi* apud Dominum Papam diligenter institimus et frequenter, fidelitatem et dilectionem vestram et regni vestri studiosius exponentes. Qui licet sinceritatem dilectionis, quam erga vos et regnum vestrum habet, satis nobis exposuerit, et sæpius inculcaverit, *quare non facit Rex* Angliæ *factum suum, adjiciens placere sibi, quod efficaciter in negotio processisset eodem*, literas tamen suas nobis ad præsens super hoc concedere recusavit. *Sed placuit ei, quod de conscientia sua nostras vobis literas mitteremus: nos igitur de certa ejus conscientia serenitati Regiæ duximus consulendum, quatinus securè ad hujusmodi consummandum negotium procedatis. Indubitanter & ut credimus*, quod Dominus Papa gratiam vobis in hoc factam minime subtrahet, sed in hoc et in aliis vobis tanquam speciali et devoto filio præstabit consilium et favorem. *Nos igitur de consilio dictorum Cardinalium consulimus Domino Regi*, quod severe procedat ad hujus negotii consummationem; *quia nihil oportebit vos timere, quoad Deum vel homines, ut sæpius inculcaverunt nobis prædicti Cardinales. Et etiam Dominus* Hostiensis, *qui, quia tunc præsens non fuit quando signatæ sunt literæ memoratæ, sigillum suum non apposuit, cum aliis, non minùs ipsis propter hoc laboravit. Alia verò negotia* ——— *quia de consilio Cardinalium concessæ fuerunt (ut dicit) Domini Papæ literæ directæ* Pictaviensibus, *& de consilio eorundem suspensæ*, non potuit Dominus Papa suspensionem revocare, quia non consentiunt fratres. *Sed habebimus literas memoratas ad omnes vassallos Domini Regis*, continentes invectionem contra resilientes et recedentes a fide veri Domini sui, ut fidelitatem Domini sui vigorosius resumant et conservent. Præterea petivimus, quod amoverentur *Gallici*, qui sunt in partibus *Albigensium*, de terris quæ sunt de feodo Domini Regis, si quas forsan invaserint: sed quia nescivimus super hoc certum petere, nec ipsi respondere; sed cum sciverint, quæ sunt terræ (si quæ fuerint) quod suum erit, volenter exequentur; præsertim cum prohibitum fuerit Regi *Francie*, ne aliquid in partibus illis attemptaret in præjudicium Imperatoris, vel vestrum, vel aliorum fidelium. Comes autem *Tholosanus* juvari non poterit, nisi mittat ad Curiam nuncios speciales. Ad quid autem expediat ei mittere, prout poterimus, inquiremus. Veruntamen benè placet saniori parti Curiæ, quod suos hostes viriliter et (prosequatur) ———. *The remainder of this Letter is putrified.*

In the same Bundle of Letters to the Bishop of *Chichester* Chancellor of *England*, I find this of the Popes Nephew, a Prebend of the Church of *York*, for the payment of an Annuity granted him by the King out of his Exchequer; whereby we may discern what preferments and favours the Popes Nephews and creatures then gained from King *Henry* during his minority.

In Bundela Literarum Cancel. Regis, in Turre London. An 8 & 9 H. 3.

Venerabili in Christo patri, Dei gratia *Cicestren.* Episcopo, illustris Regis *Anglorum* Cancellario; *Nicholaus* nepos Domini Papæ & *Eboracensis* Canonicus, salutem & recommendationem in Domino. Paternitatem vestram, de qua plenè confidimus, tenore præsentium duximus exorandam, quatinus quadraginta marcas, quas in Scaccario Paschæ annuatim debemus percipere, secundum quod in rescripto literarum Domini Regis continetur, Domino *Stephano* Capellano Domini Papæ pro instanti termino Paschæ, nomine nostro, sine difficultate faciatis persolvi. Sanè, quia corde & animo vestri sumus, & avidam gerimus voluntatem vobis, in quantum possumus, complacendi, sumentes quandam audaciam, cum non præcesserint merita, vos attentè duximus exorandum, dare velitis operam efficacem, quod redditum prætaratum Dominus Rex, secundum quod in præfato rescripto continetur; in Ecclesiasticum beneficium nobis debeat commutare. Ita quidem quod penes vos preces nostræ effectum possint consequi postuatum; & nos vobis proinde fortius obligemur, & Domino Papæ nos possimus de vobis plurimum commendare, ac in vestris negotiis penes eundem Dominum semper prompti non immerito existamus.

In the same Bundle of Letters, I met with this Epistle of *William* Archbishop of *Burdeaux* to King *Henry*, relating the great promises of the *French* to draw him to their party from the King, the grand losses and extremities he sustained for his fidelity to the King and his Brother, the dangerous condition of their affairs without the Kings speedy assistance which he craved, with his Excommunication and proceedings against the invaders of his Churches liberties.

Illustris,

An. 8 H. 3.

Bunde'a Literarum in Turre Lon 8. H. 3.

ILluſtriſſimo & ſereniſſimo viro *Henrico* Dei gratia Regi *Angliæ*, &c. *Willielmus* eadem gratia *Burdegalenſis* Archiepiſcopus, ſalutem, & de hoſtibus ſuis deſideratam victoriam poſſe cum gloria obtinere. Majeſtati veſtræ per literas noſtras ſignificaſſe meminimus, quod cum olim nobilis vir *Johannes de Beumont* pro Rege *Francorum* contra terram veſtram cum maxima multitudine militum adveniſſet, nobis, ex parte Regis *Feanciæ*, idem *J.* maximam obtulit pecuniæ quantitatem, eandem perſonaliter deferendo; promiſit etiam nobis *J.* prædictus, quod ſi partem Regis *Franciæ* ſuſtinere vellemus pariter & fovere, nobis aſſignaret & conferret redditus competentes nobis & ſucceſſoribus noſtris imperpetuum poſſidendos, parentes noſtros & homines mihi gratioſos ſublimaret: & ſi fortè aliquid de redditibus noſtris vel aliud alicubi amitteremus, omnia deperdita nobis Rex *Franciæ* reſarciret; & ſuper hoc ſuas patentes literas nobis daret, & benè faceret nos ſecuros. Nos vero pro vobis et fratre veſtro omnia reſpuimus, et nihil recipere voluimus ullo modo. Die verò ſequenti nobis quaſdam literas *Franciginæ* detulerunt; in quibus (ſicut vobis meminimus nos ſcripſiſſe) Rex *Franciæ* nobis diſtrictius prohibebat, ne terram ſuam aliquatenus intraremus, & ne in terra ſua nos auderet aliquis receptare. Et cum ipſe ſibi jam ferè totam noſtram Provinciam ſubjugaſſet, multa incommoda paſſi ſumus, & adhuc etiam ſuſtinemus; quia Caſtra, Civitates, & Villas, quas *Francigenæ* detinent ſubjugatas, intrare ullatenus non audemus. Redditus etiam noſtros apud *Rupellam* detinet ſuperatos, quos nobis nunquam reſtituere voluerunt, ſuper multis aliis exiſtentes nobis injurioſi graviter & moleſti. Cumque propter hæc *Romanam* Curiam adiremus, à *Francigenis* in *Alvernia* ad captionem fugati fuimus vel ad mortem, & ſicut per Clericos veſtros qui præſentes erant in *Romana* Curia potuiſtis plenius edoceri, multum laboravimus pro veſtris & fratris veſtri negotiis promovendis, præter expenſas, quas fere ultra quingentas Marcas fecimus in Curia ſupradicta, in eundo etiam et redeundo. Et cum de eadem Eccleſia rediremus, cum nobis in pluribus locis inſidias *Francigenæ* præparaſſent, cum quodam ſolo Clerico ferè per totum iter uſque ad terram veſtram venimus, & quaſi ſimplex Clericus incedentes, noſtram poſt nos manticam ferebamus; Literas etiam de ſecuritate propter cauſam, quæ eſt inter nos & *Bituricin.* Archiepiſcopum, non niſi per duos menſes, ſcilicet uſque ad Octabas Nativitatis Domini proximò præteritas, Rex *Franciæ*, ſublatus de vitæ medio, voluit nobis dare. Inter cætera quidem incommoda & injurias, quas pro vobis & fratre veſtro multipliciter ſuſtinemus, gentes fratris veſtri cum convenimus *Torcie*, et poſtmodum ex quo venimus, Eccleſiæ Dei, et nobis, et noſtris hominibus dampna plurima intulerunt. De quibus prout dicunt, ſi poſſent, ſatisfactionem nobis facerent competentem. Quia verò veſtros nuncios ad Barones tantum mittere tardaviſtis, admonitione quantâ poſſumus admonemur, quoniam ſuper amorem & dilectionem noſtram ad partem Regis *Franciæ* tranſtulerint ſe Barones, & propter hoc contingat vos & fratrem veſtrum (quod abſit) amittere terram veſtram, nobis debebit proculdubio imputari. Inde eſt quod Nobilitatem veſtram monendam duximus & attencius exorandam, quatinus in facto veſtro & fratris veſtri & noſtro feſtinanter conſilium & auxilium apponatis ergà nos, qui cruceſignati ſumus, et parati ſumus ad proſequendum negotium Jeſu Chriſti: Taliter vos habentes, ut nos, qui vobis & veſtris tenemur, vobis & veſtris magis obnoxii teneamur; & in facto veſtro & fratris veſtri tale conſilium & auxilium apponere, mora qualibet poſtpoſitâ, ſtudeatis, quod vobis & fratri veſtro cedat ad gloriam & honorem. Ut ſciatis quod cum à nobis Nuncius iſte reacceſſit, nos cum fratre veſtro (mirum eſt quia tàm audacter audet committere ſe fortunæ) apud fortunatum verò, circa quem & ejuſdem negotia aſſiſtendo expenſis non parcimus aut labori. Expectabamus enim ibidem nuncios de colloquio quod apud *Thoarchum* Barones incipi fecerant, indè cum Rege *Franciæ* loquturi; quod tunc in illo colloquio fuerit ordinatum nihil cum à nobis receſſit lator præſentium cognovimus; ſcituri pro certo, quod niſi illa ſincera dilectio retexiſſet qua quondam dileximus patrem veſtrum, eadem vos & fratrem veſtrum ſinceritate diligentes, in ipſum fratrem veſtrum, & ſuos, & terram quam vos in votum habetis ——— propter dampna & injurias quas gentes ſuæ Eccleſiæ Dei, nobis et noſtris hominibus intulerunt ſilencium tuliſſemus, nec vivit aliquis hodie, cui nos niſi vobis aut fratri veſtro parcere curaſſemus. Noveritis inſuper, quod frater veſter gaudet gratia populi et favore, tamen interdum contra Deum et Eccleſiam facere cogitur, cum ſibi expenſarum copia ſubtrahatur. Statum verò veſtrum, quem ſicut proprium deſideramus

An. 8 H. 3. sideramus prosperum & jucundum, & voluntatem vestram super præmissis nobis quam citò poteritis rescribatis. Valete, *&c.*

Tom. 2. p. 392. l. 14. after *Mat. Westminster*, adde; This Letter of King *Henry* to the Pope, in answer of his to him on the behalf of the Earl of *Chester* and *Falcatius*, which I found in the *White Tower*, thus relates *Falcatius* and the Earls insolent deportment towards him, in taking and detaining his Castles from him by force.

Bundels Literarum in Turre London. An. 8 H. 3.

See Mat. Paris, p. 308. Contra Falcatium de Brent.

DOmino Papæ, *&c.* Rex, *&c.* Cum nuper post festum *Pentecostes*, venerabiles Patres nostros Archiepiscopos & Episcopos, Abbates, ac omnes Magnates totius Regni nostri vocassemus, ut nobis occurrerent apud *Northampton*, daturi nobis ibidem consilium, & auxilium facturi ad defensionem terræ nostræ in *Pictavia*, quam Rex *Francorum* impugnare parabat. Recepimus ibidem, literas vestras, continentes (inter alia) quod dilectos nostros Venerabilem patrem, *Winton.* Episcopum, Com. *Cestriæ*, & quosdam alios de regno nostro, qui tempore patris nostri *F.* quondam Regis *Angliæ* illustris, & postmodum tempore nostro contra inimicos nostros pro conservatione Juris nostri fideliter laborasse dicebantur & potenter, familiares habere debemus in Consiliis nostris, et oppressionibus illorum providere: *(he only inforcing them to restore his Castles and lands they detained from him, for which they were excommunicated)* de quibus sicut scimus pro certo clamores ad aures vestras tulerunt, Ne ex talibus, quod sustinere non possent, ulterius cogerentur * vos ad pejora. Ad hoc etiam fuimus ibidem per venerabiles patres in Christo *Cant.* Archiepiscopum, *Bath.* & omnes Episcopos auctoritate literarum vestrarum quas receperant, diligenter moniti et efficaciter inducti, licet non esset necesse nos pro eo rogari, quod fecimus et factum eramus etiam non rogati, præsertim cum ipsi qui se voluntarie subtraxerant, nunquam fuerint a nostris Consiliis, nobis jubentibus, aut volentibus, amoti. Etenim per breve tempus præcedens *London.* in quodam Consilio nostro prædictos Com. *Cestriæ*, ac alios omnes Nobiles nostros qui cum Justiciario nostro contenderant, ac ipsum cum illis convenire fecimus in pacem. Osculo pacis utrinque dato & recepto, Nos ipsi & oblivisci volentes potius injuriarum, quæ multa præcesserant, quam reminisci, omnes recepimus in pacem et gratiam, qui demeritis suis exigentibus per nos offendi meruerunt; sperantes habere de omnibus et singulis ad nostra negotia Consilium et auxilium tam magnificum quale et quantum a nobis in suis necessitatibus exspectare debent. Sane cum ad dieni Consilii nostri de *Northampton* in quibusdam partibus terræ nostræ Judices discretos dedissemus & Nobiles, ad audiendas & corrigendas querelas multorum de rapinis & spoliantibus terrarum & bonorum suorum, quas multi detulerant ad aures nostras, secundum Regni nostri consuetudinem obtentam & approbatam ab antiquo; & quidam de Magnatibus nostris, *Falcatius* nomine, coram Judicibus eisdem in sexdecim Causis fuisset convictus inter alios, & ad restitutionem ablatorum, & satisfactionem plenam debito modo condemnatus. Molestè ferens quod cogebatur esse quietior, qui prius suo vitio renuerat esse pacificus, poni fecit insidias uni de Judicibus prædictis versus nos venienti *Northampton*, ac ipsum inermem ac suos, per quendam *Willielmum* fratrem suum & multitudinem armatorum captum, violenter, viliusque tractatum, in quodam Castro nostro quod habebat in custodia, vinculis & carceri mancipavit. Monitus & vocatus per nuncios solempnes, sufficienti de Consilio Magnatum totius regni nostri qui nobiscum erant, ut & Captos redderet, & statutis die & termino compareret de pace nostra violata, & aliis multis quæ habuimus contra seipsum responsurus, ac Malefactores suos produceret per Judicium Regalis Curiæ & regni Jura tractandos, nec illos producere, nec seipsum offerre Juri voluit; cum aliàs teneatur ratione possessionum magnarum, & officii maximi quod habuit in Curia nostra, ad nos in Consiliis nostris venire non vocatus; Exerensque virus quod diu conceperat, indignans ex hoc quod rogi debuit esse sub Domino, qui dominandi cupiditate torquebatur; et captos reddere negavit, et comparere coram nobis, ac suos producere Juri parituros, Castrum nostrum muniens contra nos audacter, quod instanter nobis reddi petebamus: propter quod ad illud obsidendum et expugnandum per Consilium Curiæ nostræ statuimus cum exercitu nostro, quod in proximo dante Domino in Bello habere speramus. Ad hæc licet dolentes & magna necessitate coacti, ut iniquitati ipsius et plurium Complicum, in illius Castri expugnationem concludatur, omissis ad præsens omnibus aliis negotiis nostris, quæ in partibus *Hyberniæ* & *Pictaviæ* nos urgent. Quæ quidem pericula imminentia nobis ad præsens, nisi ea Deus avertat, prædicto *Falcatio* suisque Complicibus,

* excitare.

plicibus non immerito debemus imputare; nec minus moveri contra ſeipſum et ſautores ſuos, quam ſi totius hæreditatis noſtræ diſpendium, quod abſit, inieramus. *An.* 8 H. 3.

Yet notwithſtanding after *Falcatius* his Excommunication by the Biſhops, and judgement, exile by the King and Lords for his Rebellion, the Pope and his Legate being bribed with his large gifts, writ and interceded for his reſtitution to his Lands, and favour; as appears not only by our Hiſtorians, Tom. 2. p. 392, 398. and this Epiſtle, but by two Epiſtles of the Popes Legate, (which I reſcued out of the rubbiſh in the *White Tower* Chappel) informing the Pope, and *Falcatius* his friends at *Rome*, how ill the King and kingdom of *England* reſented the Popes interceſſion for him, and intermedling with the ſtate and affairs of *England*, contrary to former cuſtom.

Bundela Literarum in Turre London. An. 8. H. 3.

DOmino Papæ. Sanctitati veſtræ duxi tenore præſentium intimand. quod antequam ad me literæ veſtræ, quas mihi miſiſtis pro facto *Falkatii* perveniſſent, idem in *Burgundia* captus erat. Quibus devotè receptis, & quæ continebantur in eis intellectis, ſtatim illis perſonis ſcribere diligentius procuravi, per quas ipſum credebam debere reſtitui libertati. Recepi poſtmodum literas et nuncios ex parte Regis *Angliæ* illuſtris; quibus intellexi, quod tam ipſe Rex quam fere totum regnum *Angliæ* pro miſſione ejuſdem *F.* quam faciatis, turbati ſunt plurimum et commoti, et ipſius inimici derisionem ejuſdem in hac parte percipientes, elati ſunt in ſuperbiam. Unde videtur per hoc, quod negotium pacis vel treugarum inter eundem & Regem *Francorum* illuſtrem, pro quo tantum (Deus novit) laboravi, non poſſit effectui mancipari; & ſic per conſequens negotium *Albign.* patet (ſicut credimus) retardari. Cum itaque diebus iſtis, propter malitias hominum, et Regum et regnorum ſint ſcandala evitanda, cum totus mundus fere ſit poſitus in maligno, plus etiam quam creditis; ſi placet, Sanctitas veſtra provideat quid ſit exinde faciendum.

MAgiſtro *T.* Paternitati veſtræ tenore præſentium intimamus, quod antequam literæ Domini Papæ perveniſſent, quas nobis pro facto *Falkatii* deſtinavit, idem *F.* in *Burgundia* captus erat; ſed ſtatim poſt receptionem Literarum ipſarum illis perſonis ſcripſimus, per quas credebamus ipſum debere reſtitui libertati. Recepimus poſtmodum nuntios & literas ex parte Regis *Anglorum* illuſtris; quibus intellexiſmus evidenter, quod tam ipſe quam fere totum regnum *Angliæ* valde turbati ſunt, plurimum et commoti, pro miſſione quam Dominus Papa facit in *Angliam* ſuper negotiis *Falkatii* memorati. Unde videtur per hoc quod negotium pacis vel treugarum inter duos Reges, pro quo tantum (Deus novit) laboravimus, non poſſit effectui mancipari; & ſic per conſequens negotium * *Albigen.* prout creditur ſit quaſi penitus exſufflatum. Cum itaque diebus illis, propter hominum malitias, Regum et regnorum ſint ſcandala evitanda, cum totus mundus fere in maligno ſit poſitus, plus etiam quam creditis vos et alii; qui cum eſſis in cameris veſtris non cogitatis huiuſmodi; ſet ut videtur Eccleſiæ Dei parantes excidium, * Reges et regna non ad devotionem Eccleſiæ, ſet potius ad ſcandalum et diſcordias provocatis. Scientes quod plurimum admiramur, et multi alii commoventur, quod cum regnum *Angliæ* nunc in bono ſtatu conſiſtat, quare Dominus Papa et vos ad vocem unius, ad inquirendum de facto Regum *Angliæ*, (quod antea de his quæ Regiam contingant poteſtatem fieri non conſuevit,) et de ſtatu ipſius regni et Prælatorum ejuſdem, mandatis. Et ideo (ſi placet) provide in hac parte utentes conſilio (ſicut decet) procedatis in ipſo negotio, (Deum ſolum habentes præ oculis) prout melius videritis expedire.

*Albigentium; againſt whom they intended a Croſſado.

* *Nota.*

Scribat Magiſtro *Egidio* Epiſcopo *Alb in.* Magiſtro *Rapner*, Magiſtro *P. Capuan.* Epiſcopo *Hoſtien.* Domino *S.* Sancti *Albani.* Soon after * *Falcatius* died miſerably in exile; a juſt puniſhment for his Sacrilegious rapines and rebellions againſt the King.

* Mat. Pariſ. Hiſt. Angl. p. 323.

This *Falcaſius de Breant* was not only Excommunicated by * all the Biſhops in general, but likewiſe by the Biſhops of *Coventry* and *Exon* in ſpecial in a moſt ſolemn manner; as this Epiſtle of the Biſhop of *Coventry* to the King aſſures us, wherein he adviſes him how to proceed in that affair.

* Tom. 2. p. 392, 398.

REverendiſſimo Domino ſuo *H.* Dei gratia Rex *Angl. &c.* devotus & fidelis ſuus *A.* divina permiſſione *Coventrenſis* Eccleſiæ Miniſter humilis, ſalutem, *&c.* Noverit excellentia veſtra, quod cum eſſemus apud *Coventr.* dictum eſt nobis, quod *Falkaſius de Breans* moratur per tria Miliaria ultra *Ceſtr.* Quo audito, nos cum venerabili

Bundela Brevium & Literarum, An. 8 H. 3. in Turre London.

An. 8 H. 3. nerabili fratre nostro *Exoniensi* Episcopo solempniter eum cum omnibus fautoribus suis, et complicibus, et ejus favore vos fictius juvantibus, pulsatis Campanis et Candelis accensis excommunicavimus. Quoniam autem ad partes illas tendimus, proponimus cum ipso habere colloquium de honore et utilitate vestra per Dei gratiam (nisi propositum nostrum per mandatum vestrum mutaveritis) diligentissima circumspectione adhibita tractaturi. Quia vero non solum armis, sed etiam blanditiis turbationes et seditiones sedare oportet, Dominationi vestræ bonâ fide consulimus, quod *Leiolino* scribatis amicabiliter, eum rogantes & arcius inhibentes, ne dictum turbatorem in terra sua recepter. Nos autem si Clementiæ vestræ placuerit benè procurabimus, qualiter ad ipsum mandatum vestrum competenter perveniat. Credimus autem firmiter & speramus, quod non oportebit maliciam *Falkasii* in partibus istis timeri; dummodo de præcepto vestro sint contra ipsum Ballivi vestri omnes præmuniti; Super hiis igitur & aliis, quæ de vestræ fuerint beneplacito voluntatis, nobis si placet rescribatis, quia affectuosè procurabimus quod nobis duxeritis injungendum. *It seems* Falcatius *and the Earl of* Chester *complained to Pope* Honorius *of the Kings proceedings against them, and by money purchased a Letter from him to the King on their behalf.*

What encroachments the Ecclesiastical Courts this year made upon the Kings Crown and temporal Courts, these Suits for proceeding against Prohibitions will instruct us.

* Rot. 6. adhuc de quindena. Cantebr.

* Placita apud *Westm.* in Octabis sanctæ Trinitatis, anno regni Regis *Henrici* filii Regis *Johannis* octavo.

Richardus le Curteis *optulit se* 4 *die versus* Willielmum de Alta ripa *de Placito*; quare secutus est placitum in Curia Christianitatis, de catallis quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem, &c. *Et Magister non venit*, &c.

Rot. 5. dorso. Linc.

Radulphus *filius* Simonis *optulit se* 4 *die versus Archid.* Exon. *& conjudices suos de Placito*, quare ipsi tenuerunt placitum in Curia Christianitatis, de catallis quæ non sunt de Testamento, &c. *Et versus Dominum Archiepiscopum* Ebor. *de placito*, quare secutus est placitum, &c. de eodem, &c. *Et nullus eorum venit*, &c. *Et* Rad. *quæsitus de quibus catallis, dicit*, quod de blado et aliis catallis ejusdem Arch. captis tempore guerræ, tam de Ecclesiis quam de terra ejusdem Archiep. captis; *& præterea cognovit*, quod intravit ante Prohibitionem in Curia Christianitatis. *Ita quod productiones testium captæ fuerunt. Et postea cognovit quod Archiepiscopus remisit ei omnem demandam hominum suorum*, et omnia catalla quæ capta fuerunt extra Cimiterium; et petit licenciam recedendi de brevi, et habuit, et inde sine die.

Tom. 2. p. 393. l. 3. after *us*, adde; *John* Bishop of *Arfercen* in *Ireland* procuring himself to be consecrated, and getting possession of the Temporalties, and refusing to appear upon an Appeal before the Pope at the suit of *G.* who pretended himself lawfully elected Bishop; the Pope thereupon sent this Bull to the Bishop of *Dublin*, to enforce him to restore his Bishoprick to *G.* and put him into possession of the Temporalties, and intreated King *Henry* not to hinder but assist him therein by this Bull, the original whereof I rescued out of the rubbish in the *White Tower*.

Anno 8 H. 3 in Turre London.

HONORIUS Episcopus servus servorum Dei, charissimo in Christo filio *Henrico* Regi *Anglorum* illustri, salutem & Apostolicam benedictionem. Cum *Johan.* Presbyter qui se temere consecrari fecit in Episcopum Ecclesiæ *Arfercen.* ad nostram contempserit venire præsentiam, venerabili fratri nostro *G. Arfercen.* Episcopo responsurus; Nos ejus contumacia exigente, mandavimus venerabili fratri nostro Archiepiscopo *Dublinen.* ut ipso *J.* ab eadem Ecclesia prorsus amoto, et coacto resignare præfato Episcopo universa quæ ad *Arfercen.* noscuntur Episcopatum pertinere; ipsum Episcopum in corporalem ipsius Episcopatus possessionem inducat, et defendat inductum: auditurus postmodum, si præfatus *J.* aliquid voluerit proponere contra eum. Ideoque serenitatem tuam rogandum duximus attentius & hortandum, quatinus eundem *G.* habens pro reverentia divina & vestra propensius commendatum non impedias, nec a subditis tuis impediri permittas quominus Episcopatum suum juxta mandatum nostrum pacifice possideat et quiete. Dat. *Laterani*, 12 Kal. *Julii*, Pontificatus nostri anno octavo.

* Tom. 2. p. 393.

Whereupon the King issued a * *Writ* to the Archbishop of *Dublin* to restore the Temporalties to *G*, at the *Popes request*.

Tom. 2. p. 393. after *Episcopis*, this should have been inserted; These Proctors of

of the King coming to *Rome*, rendred him this account of their journey to, and reception at *Rome* by the Pope and Cardinals, with the sense they had of the Kings dangerous and almost desperate condition, informing him of a new confederacy between the *French* King and his discontented Barons, in case the Pope crossed or condescended not to the *French* King, to invade *England*, to dispossess the King of the Crown, (as they did his Father King *John*) and of *Falcatius* his Imprisonment in *France*; which Letter I found in the *White Tower* Chappel. *An.* 8 H. 3.

CAriſſimo Domino ſuo *H.* Dei gratia Regi *Anglorum* illuſtri, Domino *Hiberniæ*, Duci *Normanniæ*, *Aquitaniæ*, Comiti *Andegaviæ*, fideles ſui *G.* de *Quancumb* & *S.* de * *Luca*, devotam in omnibus reverentiam. Noverit dominacio veſtra quod die *Lunæ* prox. poſt feſtum *Omnium Sanctorum* applicuimus ad portum quendam juxta *Wicclow*, & inde per *Franciam* aliaſque terras medias ſalvo tranſeuntes, die Dominica prox. poſt feſtum beati *Nicholai* venimus *Viterbium*, fratrem *Johannem Briſepet*, qui quaſdam literas veſtras detulit ibidem per tres dies expectantes, & Magiſtros *Reinerum* & *Egidium* Cardinales in eadem villa morantes, Dominumque *Gualonem* qui interim ibidem advenit ſuper agendis noſtris conſulentes, eo diligencius quod tunc ibi adierant, *Dalatham* & de *Noun.* Epiſcopi, *Guido de Monteforti*, & quidam alumnus Regis *Franc.* qui frequentem tractatum cum dictis Cardinalibus habentes; multa falſa ſuggeſſerunt eiſdem tum de hoc facto *Pictaviæ*, Regem *Franciæ* malicioſe excuſantes, tum prædeceſſores veſtros de terris cismarinis, Aſſerentes fuiſſe paratos exigente juſticia ſi par eſt, eam poſtmodum per nos et Dominum *Petrum Saracen.* qui fideliter nobis in omnibus quæ nos contingunt aſſiſtit, ſibi vero *———— magnam fidem ſicut nobis frequenter videbatur dictis *Gallicis* habuerunt. Sanè accedente ad nos interim dicto fratre *J.* inſimul cum Domino *Gallon. Romam* venimus die *Jovis* proxima ſequente, quem quidem valde commotum inveniimus et turbatum multipliciter, ſtuduimus pro poſſe noſtro reducere ad temperanciam. Dominum Papam quidem et Cardinales non ſolum commotos circa ſtatum veſtrum et regni veſtri perpendimus, verum penitus ſe deſperatos unanimiter fatebantur. Nam Rex *ſeroſol.* et dicti *Gallici* prædicabant omnibus, quod Majores *Angliæ* obſides offerebant uſque ad ———— de reddendo ſibi terram cum primo venire curaret ad illam. Adjicientes, ſi aliquid in Curia *Romana* contra voluntatem Regis *Franciæ* attemptaretur, incontinentur Rex tranſfretaret in *Angliam*, et præter illos alii forſan de terra *———— qui aliquandiu ſteterunt pro vobis ———— etſi alia ſiniſtra (ſicut audivimus) inſinuare nitebantur; Ita quod in narrationibus et petitionibus veſtris plures nobis adverſabantur, et multa objiciebantur. Reſponſio tamen ad illa non fuit difficilis cum veritas nos non lateret, & eadem nos turbatos liberaret, licet hoc ſolum grave nobis eſſet, quod vix potuerunt induci quidam ut aliquam fidem adhiberent veritati. Poſtquam ſingulos Cardinales viſitaſſemus et ſuper ſtatu veſtro terrarumque veſtrarum *Angliæ*, *Walliæ*, *Hiberniæ*, et de facto *Bedeford.* et *Pictaviæ*, et aliis articulis nobis injunctis inſtruiſſemus diligenter, habitoque poſtmodum colloquio cum Papa in ſecreto die *Mercurii* proxima ante feſtum Sancti *Thomæ* Apoſtoli, coram Papa et fratribus cauſam adventus noſtri plene expoſuimus, peticiones veſtras tunc ibi Domino Papæ committentes. Veruntamen quia Nuncii Comitis *Tholoſani*, Epiſcopi, Milites & Clerici poſt feſtum Sancti *Michaelis* in Curia uniformiter ſteterant, et Papa cum fratribus jam per multos dies ſuper facto illo licet nondum plene deliberaverant, diſſulerunt uſque poſt Natale de veſtris negociis providere; Et ſperabatur quod dictus Comes competens reſponſum eſſet accepturus, licet Rex, et *Gallici* prædicti ſibi fortiter reſiſterent. Die *Jovis* proxima recepit Papa literas *Portuenſis* Epiſcopi Legati *Aleman.* quod idem *Portuen.* tractatum habitum inter Reges *Alemanniæ* & *Franciæ*, ſuper Matrimonio de quo ſcitis, impedivit; Dixit tamen nobis Papa, quod Rex *Franciæ* pro eodem facto Nuncios ſuos ad Imperatorem iterum tranſmiſit, ſed quid egerunt adhuc neſcivimus. De *Falkaſio de Brealth* dicebatur nobis circa principium adventus Domini, quod erat in veniendo *Romam*, attamen die Dominica proxima ante Natale Domini quando recederet lator præſencium percepimus, quod non ille erat de quo cavebatur illa die ———— quia ———— die Dominica detinet eum quod captus erat in *Francia* & detentus. Valeat Dominus noſter, et quicquid Papa diſponendum de facto veſtro duxerit, Dominus nichilominus dirigat actus et voluntates veſtros et noſtros, ſi placet vigilatis caveatiſque vobis.

In Turre Lendon. An. 8. H. 3.

* *Lucy.*

* forte, Non credentes Cardinales.

* I conceive it ſhould be *Pictavix.*

Tom. 2. p. 379. l. 36. after *took*, adde; The Earl of *Albemarl* detaining the Kings

An. 8 H. 3. Kings Castles and Lands from him, notwithstanding the Legates, Archbishops, and Bishops Excommunications; he thereupon issued this Writ to *Roger* de *Leyburne*, to repair to him forthwith to *Northampton* with all the armed power he could raise, to reduce the rebellious Earl to obedience.

Bundela Brevium in Turre London. An. 8 H. 3.

H. Dei gratia Rex *Angl.* Dominus *Hyberniæ*, Dux *Normanniæ*, *Aquit.* & Comes *Andegaviæ*, dilecto & fideli suo *Rogero de Leiburn.* salutem. Cum *W.* Comes *Albemarl.* excommunicatus a Domino Legato, Archiepiscopo *Ebor.* et Episcopis *Angl.* cum omnibus fautoribus, complicibus, et ei adhærentibus propter multiplices et manifestos excessus sanctæ Ecclesiæ et nobis impensos, sediciose et furtive ceperit Castrum de *Fodering* quod fuit in manu nostra, et malicioſe detineat; terram nostram devastando, deprædando, et pacem nostram et regni nostri perturbando et vehementer infringendo. Vobis mandamus firmiter præcipientes in fide qua nobis tenemini, et sub debito sacramenti vestri nobis præstiti, quatinus visis litteris istis cum tota gente armata quam ad præsens habere poteritis veniatis ad nos usque *Northamt.* bene parati equis et armis, ad eundum cum corpore nostro et cum fidelibus nostris qui nobiscum venient super eundem Comitem, qui sic spreta fide et obsequio nostro nos et regnum nostrum præsumpsit temere et malicioſe inquietare et perturbare: Et gentem nostram quam ad præsens paratam non habetis venire faciatis post nos cum omni festinatione, & ita acceleretis adventum vestrum & gentis nostræ, ut & nunc per experienciam senciamus quantum nos & terræ nostræ tranquillitatem diligatis. Teste *H. de Burgo* Justiciario nostro apud *Westm.* 23 die *Januarii.*

The like Writ of the same date, issued *Galfrido de Nevil*, &c. the original whereof I found in the *White Tower.*

An. 8 H. 3. in Turre London.

HENRICUS Dei gratia Rex *Angliæ*, Dominus *Hiberniæ*, Dux *Aquitaniæ*, Com. *Andegav.* Dilecto & fideli suo *Galfrido de Nevil*, salutem. Quoniam *H.* Comes *Albemarl.* Excommunicatus a Domino Legato, Archiepiscopo *Eborum*, et Episcopis *Angliæ*, cum omnibus fautoribus, complicibus, et ei adhærentibus propter multiplices et manifestos excessus sanctæ Ecclesiæ, et nobis impensos, seditioſe et furtive ceperit Castrum de *Fodring* quod fuit in manu nostra, et malitioſe detineat, terram nostram devastando, deprædando, pacem nostram et regni nostri vehementer perturbando et infringendo: Vobis mandamus firmiter percipientes in fide qua nobis tenemini & sub debito Sacramenti vestri nobis præstiti, quod visis Literis istis cum tota gente nostra armata quam habere ad præsens poteritis veniatis ad nos usque *Northamton*, benè parati equis & armis ad eundum cum corpore nostro & cum fidelibus nostris qui nobiscum venient super eundem Comitem, qui sic spreta fide et obsequio nostro, nos et regnum nostrum præsumpsit temere et malicioſe inquietare et perturbare. Et gentem nostram quam ad præsens paratam non habetis venire faciatis post nos cum omni festinatione, & ita acceleratis adventum vestrum & gentis vostræ ut tunc per experientiam senciamus quantum nos & terræ nostræ tranquillitatem diligatis. Teste *H. de Burgo* Justiciario nostro apud *Westm.* 23 die *Januarii.*

The same year King *Henry* the 3d. evidenced his Soveraign Ecclesiastical Jurisdiction, in sending these memorable Prohibitions and Appeals to the Popes Delegates and others, not to proceed in a suit of the Archdeacon of *Colchester* against the Dean of S*t*. *Martins*, for Procurations demanded by him from the Church of *Newport*, the chief part of that Deanry, S*t*. *Martins* being his *free Chappel*, exempt from all Episcopal Jurisdiction and Procurations; this suit being to the great prejudice of his Crown and Dignity.

Claus. 9 H. 3. pars 1. m. 8. dorso.

REX Archidiacono, Cancellario, & Decano *Oxon.* salutem. Cum super Decanatu Ecclesiæ sancti *Martini London.* quæ Dominica Capella nostra esse noscitur, ea gaudemus dignitate a temporibus prædecessorum nostrorum diu optenta, quod ab omni jurisdictione Episcopi Diocesani et subditorum ejus sit exempta, ita quod Decanus cum debuerit institui, a sola manu Regia stallum recipit in choro et locum in capitulo, super omnia ad Decanatum illum spectantia, ab omnibus hucusque procurationibus Archidiaconorum et suorum libera fuerit et quieta. Audivimus, (unde non immerito miramur et movemur) quod Archidiaconus *Colcestriæ*, licet ad desistendum multa sit prece nostra requisitus et ammonitus, dilectum et fidelem nostrum *G. de Bocland* Decanum illius Ecclesiæ, coram vobis auctoritate literarum Domini Papæ, in causam trahere non desistit; exigendo ab Ecclesia de *Newport*,

(quæ

(quæ eſt ejuſdem Decanatus pars maxima, et præcipua) Procurationes hucuſque inſolitas, in grave præjudicium Regiæ dignitatis. Cum igitur tam regni noſtri conſuetudinis, quam Regiæ ſit poteſtatis coram inhibere proceſſum quæ in dignitatis noſtræ præjudicium vertuntur; Vobis prohibemus, ne in Cauſa illa procedatis, cujus proculdubio proceſſus in noſtræ fieret dignitatis læſionem. Inſuper autem ſi forte hanc prohibitionem non duxeritis (quod non credimus) reverenter admittendam, pro dignitate, nc a nobis vel ab ipſo Archidiacono contra ipſam quicquam attemptetur, ad Sedem Apoſtolicam appellamus. Teſte Rege apud *Merleberg*, 21 die *Julii*. *An.* 9 H. 3.

In hac forma ſcribitur Archidiacono *Coleceſtrenſi* de Cauſa illa non proſequenda.

REX eiſdem Judicibus, ſalutem. Meminimus nos vobis alias inhibuiſſe, ne in Cauſa quam movit coram vobis in Curia Chriſtianitatis Archidiaconus *Coleceſtrenſis*, contra dilectum et fidelem noſtrum *G. de Bocland*, Decanum Capellæ noſtræ Sancti *Martini London.* ſuper procuratione quam idem Archidiaconus ſibi fieri exigit pro Eccleſia de *Neuport*, quæ eſt dicti Decanatus pars maxima et præcipua, procederetis, cujus proculdubio proceſſus in noſtræ cederet læſionem dignitatis: cujus optentu dicta Capella noſtra ab omni juriſdictione Epiſcopi Dioceſani ſubditorumque ejus ſoleat et debeat immunis permanere; hincque inhibitioni appellationem er parte veſtra recolimus interjectam. Ne igitur ſuggeri poſſit quod ab hiis deſiſtere velimus, vel in præjudicium Regiæ dignitatis præſumatis in dicta Cauſa procedere, tam dictam inhibitionem noſtram quam interjectam appellationem præſentibus literis innovamus. Teſte meipſo apud *Merton*, 31 die *Aug.* Ibidem.

Eodem modo innovata eſt appellatio verſus Archidiaconum *Coleceſtriæ*, ne proſequatur.

In the Plea-Rolls of *Placita in Octabis S.* Michaelis, *An.* 9 H. 3. *Rot.* 6. *dorſo* Sutht. I find this enſuing Action for holding Plea in Court Chriſtian of Lay-fee, againſt the Kings Prohibition.

Johannes Sward *Eſſon.* Henr. le Sauvage *obtulit ſe 4 die verſus Decanum de* Wynton *de plac.* quare tenuit placitum in Curia Chriſtianitatis de Laico feodo ipſius Henrici in Tyffid. *&c. contra Prohibitionem*, &c. *Et ipſe non venit*, &c. Plac. An. 9 H. 3. in Turre London.

The ſame year there ariſing a difference between the Parſon of the Chappel of *Limeric*, and the Treaſurer thereof, to which of them the Tithes of Fiſh-ponds and Mills of *Limerick*, &c. belonged: the King thereupon iſſued forth this Writ to inquire the right and certifie the truth thereof.

REX venerabilibus in Chriſto patribus, *M. Caſſelenſi* Archiepiſcopo, & *J. Fernenſi* Epiſcopo, & *G. Liſmorenſi* electo, ſalutem. Mandamus vobis rogantes, quatinus ad certum diem & locum conveniatis apud *Lymeric*, & ibi præſente *Galfrido de Mariſco*, vel illo quem ad hoc aſſignaverit, diligenter inquiratis per bonos et diſcretos homines, tam Clericos quam Laicos, qui melius ſciant & velint dicere veritatem, utrum *Bartholomæus de Camera* tempore Domini *Johannis* Regis patris noſtri, ante guerram motam inter ipſum & Barones ſuos *Angliæ*, fuit in ſeiſina Decimæ de Piſcariis et Molendinis de *Lymeric*, & de terra de *Drumyn*, nomine Capellæ de *Lymeric* cujus perſona eſt, vel *Willielmus de Caerdif* eo tempore ſeiſitus fuit de præd. dicta Decima nomine *Theſaurariæ* quam habuit in Eccleſia de *Lymeric*: Et ſi fortè omnes ad inquiſicionem illam faciendam intendere non poſſitis, duo veſtrum eam nichilominus exequantur. Teſte Rege apud *Weſtm.* 21 die *Aprilis*, anno regni noſtri nono. Pat. 9 H. 3. in longiori Rot. m. 5. intus.

The Biſhoprick of *Acaden* in the County of *Connact* in *Ireland* becoming voyd, and the Clergy thereof according to their cuſtome electing a Biſhop without the Kings precedent licenſe and Royal aſſent, contrary to his Royal prerogative; and exceptions being now taken both to the manner of the Biſhops Election, and likewiſe againſt his perſon; *Henry de Londres* Archbiſhop of *Dublin* thereupon (conceiving the donation thereof to be devolved to himſelf by lapſe, in which he was groſly miſtaken) writ this Epiſtle to receive the Kings Royal pleaſure how to proceed in this caſe for the maintenance of the Kings prerogative, which I found in the *White Tower* Chappel.

EXcellentiſſimo Domino ſuo & amantiſſimo *H.* Dei gratia illuſtri Regi *Angliæ*, &c. devotiſſimus ſuus *H.* eadem gratia *Dublinenſis* Archiepiſcopus, Apoſtolicæ ſedis Legatus, promptum cum devotione famulatum. Vacante nuper ſede *Acaden.* ſita in ultimis partibus *Connaciæ*, ubi minus informetur Eccleſia ſedis ejuſdem Bundela literarum & certificationum An. 9 H. 3 in Turre London.

An. 9 H. 3. dem Clerus ignorans, & inconsuetus hucusque modum et formam in electione faciendo secundum aliarum terrarum statuta conservare, ad celebrandam electionem Regia licentia non petita, juxta priorem ejus consuetudinem processit, qua tamen celebrata, electus ipse cum quibusdam Electoribus ad Justiciarium vestrum *Hyberniæ* accessit, Regium expostulans assensum supplere; cupiens post electionem quod contra Regiæ dignitatis privilegium ante eam videbatur omissum, licet in partibus illis in celebrandis electionibus minime consueverit hucusque Regia postulari licencia. Unde ad instituendam et observandam debitæ sollempnitatis formam tam in Regia dignitate quam in electionis celebracione, examinata postmodum coram nobis eadem electione, ab adversariis Electi plura fuerunt objecta et prolata, tam in personam Electi quam in formam eligendi; propter quæ videbatur ipsa electio minus valida, si universa deberent judicari et conservari secundum aliorum consuetudinem regnorum et Regiæ dignitatis conservacionem, de quibus gentis illius ruditas usque ad tempus præsens noticiam non habuit, nec eas observare consuevit. Dumque videbatur ex hiis quæ omissa sunt tam in modo electionis, quam in observacione Regiæ dignitatis, ipsius Ecclesiæ ordinacio ad nos tanquam superiorem devolvi, quia volumus et affectamus Regiam dignitatem in illis partibus firmari, et induci, et consolidari ubi quondam convaluit, nec obtinuit cum in partibus eisdem nullus *Anglicus* fructificare possit adhuc, —— aut morari; maxime propter loci paupertatem et gentis contrariæ hostilitatem; Super ordinatione ejusdem Ecclesiæ consilium et voluntatem vestram nobis significetis; fideli nostro præsencium latori credentes, qui de hiis et aliis vobis plenius exponet. Valete.

Which he seconded with the other Epistle to this King, wherein he relates the great labors and expenses he had undergone for the King, and his Father King *John*.

In eadem Bundela, An. 9 H. 3. in Turre London.

EXcellentissimo Domino suo & amantissimo, *Henrico* Dei gratia illustri Regi *Angliæ*, *&c.* suus eadem gratia *H. Dublinensis* Archiepiscopus, salutem & devotum in omnibus famulatum. Quot et quantos labores, quantas etiam expensas sustinuerimus pro Domino Rege patre vestro, necnon et pro vobis, non est necesse vobis exprimere, cum satis et vobis et vestris liquida sint et manifesta. Regiæ igitur excellenciæ cum quanta possumus supplicamus devotione, quatinus ad labores et expensas pro vobis et vestris factas oculo pietatis respicientes, Justic. vestro *Hiberniæ* dare velitis in mandatis, ut nos et Ecclesiam nostram super possessionibus et dignitatibus nostris a bonæ memoriæ *H.* Rege avo vestro, necnon et piæ recordacionis *J.* patre vestro obtentis per Cartas suas confirmatis aliquid attemptare, vel in aliquo vetare non præsumat. Tantum super hoc, si placet, facere velitis, ut omnes nos oculo velit respicere propiciori, et nos et Ecclesia nostra vobis ad obsequia promptiores esse debeamus et devotiores. Valete. *Which was writ upon this occasion.*

Thomas Fitz-Adam, to whom the King committed the custody of his Forests in *Ireland*, distraining and apprehending some of the Archbishop of *Dublin*'s men and Tenants within the Forest, exempted by King *John*'s and other Charters from *Forest Laws* and *Duties*, the Archbishop excommunicated him for this his proceeding, yet afterwards offered to absolve him upon his submission; the Archbishop upon this occasion writ this Letter and the former, sent by a special Messenger to the King misrelating the proceedings, extant in the Bundle of Letters and Certificates I found in the *White Tower*, (about *An.* 9 *H.* 3.) as I conjecture.

In eadem Fundela, An. 9 H. 3. in Turre London.

EXcellentissimo Domino suo & amantissimo *H.* Dei gratia illustri Regi *Angl.* Domino *Hiberniæ*, &c. devotus suus *H.* eadem gratia *Dublinensis* Archiepiscopus, Apostolicæ sedis Legatus, cum fidelitate promptum et devotum servicium. Terræ et tenementa Ecclesiæ nostræ ipsi ab antiquo in liberam elemosinam assignata semper pro majori parte libera extiterunt a Forestariis et omnibus aliis exactionibus mundanis. Munita est etiam Ecclesia nostra in suis libertatibus antiquitus debitis et consuetis per Cartas et confirmationes inclitæ memoriæ Domini *J.* patris vestri a Forestariis et omnibus aliis mundanis exactionibus et oneribus. Et si forte aliquando contra libertates illius præsumptuose fuisset aliquid attemptatum, unde et venerandæ memoriæ antecessor noster exulavit ærumpnis et tribulacionibus septennis exilii, libertates ipsas in statum debitum reformavit. Hoc vestra et fidelium vestrarum discreta provisione deletum esse videtur a consequencia per Cartam vestram ad partes *Hiberniæ* nuper transmissam, in qua non solùm Ecclesiis & Ecclesiasticis viris, set omnibus secularibus & mundanis antiquas debitas et consuetas libertates

libertates concessistis et confirmastis. Hiis autem non consideratis ut deceret *T.* filius *Adæ* cui Forestam vestram de *Hibernia* commisistis; terras nostras contra antiquas et debitas Ecclesiæ nostræ libertates infestare contendit, et novas oppressiones et exactiones inducere, capiendo homines nostros et denarios, potius voluntate propria, ut videtur, quam auctoritate Regia. Qui cum propter hujusmodi et alios graves excessus ab Archidiacono nostro fuisset excommunicatus, tandem ad cor reversus, absolvi meruit; de hoc autem & propter negotia vestra cum disposuissemus vestram adire præsenciam, supervenerunt nuncii vestri qui nobis negocia vestra præsentaverunt, qui cum nondum recessu latoris præsencium cum Justiciario in remotis partibus agente locuti fuissent, post ejus allocutionem secundum ipsius responsionem ad commodum & utilitatem vestram in omnibus faciemus. Interim, si placet, donec ad vos veniamus significate dicto *T.* filio *Adæ* & aliis Ballivis vestris, ut a dictis molestacionibus nostris cessant, et nobis et Ecclesiæ nostræ debitas permittant libertates. Latori autem præsencium *David* nuncio nostro super hiis quæ vobis dicet ex parte nostra de hiis & aliis vestris negociis credatis, in cujus ore multa posuimus vobis dicenda, per quem quædam munuscula Regiæ celsitudini transmittamus, in proximo per Dei gratiam missuri vel personaliter allaturi meliora. Conservet Altitudo incolumitatem vestram in tempora longissima. *T. An.* 9 H. 3.

How little cause this Archbishop *Henry* had to complain to the King, or to Excommunicate *Thomas Fitz-Adam*, yea how insolently and violently he demeaned himself in Excommunicating this Kings Officer against the *Kings prerogative* and the Kings Justices commands, and what an enemy, Traytor he was to the King, this Letter of *Fitz-Adam* to the King and his Counsil, concerning the difference between him and this Archbishop will abundantly evidence, extant in the same Bundle in the *Tower*, with his precedent Letters.

In eadem Bundela, circa An. 9 Hen. 3. in Turre Lond.

REverendo Domino suo *H.* Dei gratia Regi *Angl.* Domino *Hyb.* &c. suus, si placet, *Thomas* filius *Adæ*, salutem & fidele servicium. Sciatis, Domine, quod terra vestra *Hyberniæ* Dei gracia in bono statu est, set Dominus *Dublinensis* nullo modo patitur agenda vestra adeo bene se habere ut vobis expediret in partibus vestris, et nititur omnibus viribus suis vos exhæredare de Foresta vestra in *Hibernia*, ut vobis alias mandavi: Ingerendo michi custodienti Forestam illam per præceptum vestrum diversa intollerabilia occasione illius Forrestæ. Contigit quod quidam octavo *Epiphaniæ* proximo præteritæ qua Justiciarius intinerans in Foresta ad inquirendum plenius jura vestra Forestæ, venerunt contra me Forestarii turpiter verberati et lacerati, dicentes, quod er quo poscunt vadia hominum Archiepiscopi secantium nemus vestrum in Foresta vestra —— homines Archiepiscopi, et per præceptum ejus, cum clamore et uthagio insurgunt in eos, et vi vadia sua a Forestariis extorquent, Forestarios turpiter infestantes. Eodem die venientes quidam homines de eadem Foresta indicaverunt michi quendam malefactorem conversantem in Foresta in terra Archiepiscopi, qui a longo tempore in vita Domini mei patris vestri usque ad hoc tempus destruerat Forestam; Et est malefactor ille * —— prout tota terra testatur tocius regni vestri. Hoc audito, misi servientes nostros ad quærendum malefactorem illum, & illo invento in domo sua, servientes scrutaverunt domum, si possent invenire in domo sua perinde esset melius athaciandus, et sumerant arcum suum cum sagitta sanguinolenta, et perchias Cervi sanguinolentas cum cornio et quadam portione venationis —— Servientes duxerunt ad me malefactorem cum athaciamento: Ego verò incontinenti feci convenire omnes probos homines cujusdam villæ vestræ de eadem Foresta, et feci ducere malefactorem illum cum athaciamento coram eis, et athaciamentum coram eis inbreviari, et malefactorem posui in prisonam vestram. Hoc audiens Dominus Archiepiscopus, misit ad me Decanum *Dublin.* cum tribus Presbyteris, et postulavit hominem suum quietum captum super terra Ecclesiæ. Ego vero intelligens illum non esse reddendum, et maxime Presbitero (mero,) nisi Archiepiscopus vellet eum replegiare ad habendum illum in Curia vestra, nolui eis illum dimittere. Nec mora, eadem die, scilicet vigilia *Epiphaniæ*, mandavit omnibus Presbiteris Civitatis *Dublin.* et extra, quod (a divinis) cessarent dummodo essem in villa. In crastino, in die *Epiphaniæ*, venerunt ad me duo Presbiteri, & postulaverunt dictum malefactorem quietum ex parte Archiepiscopi; jubentes de parte sua ne illum plus tenerem, et nisi illum ita redderem excommunicarent me. (*A daring insolency.*) Hoc audito, appellavi ad Dominum Archiepiscopum ab illo die in viij. dies; si hoc nichil esset per eum pro vobis et statu vestro, et

* Notorius.

An. 9 H. 3. libertatibus vestris, et pro me et hominibus meis coram Archiep. in villa *Dublin.* ad horam; et si hoc esset parum, ego appellavi supradicto modo in præsentia Domini Papæ; et si hoc prodesse non posset, petii inducias quousque loquutus fuissem cum Justiciario vestro *Hiberniæ*. His omnibus postpositis steterunt in contrariis; in eadem die *Epiphaniæ* pronunciarunt sententiam Excommunicationis in me. Super quo nimium motus ivi ad Archiepiscopum in crastino, et monstravi ei gravamen et pudorem minus circumspecte et consulte quam deceret michi forte illatum; et ipse interrogavit hominem suum quietum et absolveret me; et dixit, quod ego nec alius potui capere hominem illum nec alium super terram suam quamvis esset in Foresta. * Note his insolent speeches. Dicens * Terram esse suam, Nemus esse suum, Forestam esse suam, Feras esse suas: Et ex quo audivi quod atrarit ad Jus suum omne Jus vestrum, nolui dimittere ei hominem suum quietum nisi vellet replegiare eum ad habendum eum in Curia vestra, vel saltem coram Justiciario vestro in adventu suo in partes illas: quod omnino refutavit, nec potui absolvi. Et ego mandavi Justiciario causam Sententiæ in me latæ, rogans quod mandaret super hoc voluntatem suam. Justiciarius vero mandavit michi, quod nullo modo redderem malefactorem quietum, nisi Archiepiscopus vellet replegiare ad habendum eum in Curia vestra. Mandavit etiam eidem Archiepiscopo quod replegiaret Sententiam qualemcunque in me latam, et tantum inde faceret ne deterius inde contingeret, et ne negocia vestra remanerent facienda, et michi in nullo potuit proficere: Immo per totam terram vestram facit me prosequi, prohibendo communionem hominum et hastiamenta villarum, ita quod ad quoddam arduum negocium vestrum exequendum interesse non potui; videlicet, quod haberetis donationem Ecclesiarum de *Connactiæ*, quam nunquam habuistis. Ad hoc, quod in tota *Hybernia* non habetis unam Ecclesiam dandam. Nec etiam potui esse ad tenend. Assisas vestras *Dublin.* in Octabis Sancti *Hyllarii*; et ita in hunc modum promovet idem Archiepiscopus negocia vestra in partibus *Hiberniæ*. Quidam vero dixerunt Archiep. quod defamaverat me multum; et ultra, quod ad me excommunicand. (non debet procedere) et etiam propter privilegium quod habetis, ut dicunt, quod capitales Baillivi vestri non sunt excommunicandi, vobis inconsultis. Ad quod respondit Archiepiscopus, quod cum videret privilegium illud tunc crederet nos illud habere, set non antea. Ita et in hunc modum se habet idem Archiepiscopus erga vos et erga me pro vobis, super quo, si placet, vobis et michi provideatis. Scituri, quod in mandatis meis non invenietis me alium quam mandatorem certarum rerum: et quamvis vincula quibus ligatus sum molestent me, sustineo illa donec vobis super prædictis providerit is, quia volo vos pro posse meo tenere intus Ballivam libertatum vestrarum super prædictis, *———— et pro Deo et servicio meo provideatis michi, si fieri potest, quod absolver ab alio, non ab Archiepiscopo, qui fecit pronunciari Sententiam in me latam, quoniam hoc vobis cederet ad honorem: desicut credo, quod tenebat me in Sentencia illa, quousque adquiescam in omnibus voluntati ejus ———— set hoc non expediret vobis, secundum quod adhuc operatur erga vos. Provideatis etiam vobis de aliquibus probis hominibus & legalibus (*in terra*) *Hybern.* ad prosequendum negocia vestra, et maxime contra dictum Archiepiscopum, qui proponit exhæredare vos in partibus illis ———— solus ad jura vestra manutenenda, quamvis non esset nisi contra dictum Archiepiscopum. Quoniam apponit se ———— et principaliter ad libertates vestras prosternendas. Ego mando vobis agenda vestra, prout se habent, & ———— emendanda illa ———— ubi emendacione indigent libenter emendarem. Voluntatem vestram & beneplacitum super prædictis & omnibus aliis, si placet, michi scire faciatis. Valeat Excellentia vestra in Domino.

* Pro vobis.

Dorso. Domino Regi et Consilio suo, pro seipso.

The Rector of the Church of *Carthewrd* being Excommunicated by the Pope and his Delegates, and contemning their Excommunication, for suing and molesting the Tenants of the Abby of *Ramsey*, against the priviledges granted them by the Pope; and their Excommunication being certified to the King by the Bishop of *Lincoln*, whereby a *Capias excommunicatum* issued against them; thereupon the Rector procuring a Prohibition to the Delegates upon this suggestion, that they Excommunicated him for bringing an Assise of *Mortdancester* against the Abbot and Covent of a Manor, the Delegates made this ensuing Certificate of the state of their proceedings and sentence against him to the King, denying the truth of his suggestion.

ILluſtriſſimo Domino ſuo, *H.* Dei gratia Regi *Angl.* Domino *Hyberniæ*, Duci *Normanniæ* & *Aquit.* Comiti *Andegaviæ*; *H.* dictus Abbas de *Leeſt*, & Prior Sancti *Leonardi*, & Decanus de *Donewico*, ſalutem temporalem & æternam. Sere-nitati veſtræ ſignificamus, quod cum quædam Cauſa a ſummo Pontifice nobis eſſet commiſſa inter Abbatem & Conventum *Rameſeye* ex una parte, & *Nicholaum* Rectorem Eccleſiæ de *Cartheward* ex altera. Et partibus in præſencia noſtra conſtitutis, ex parte Abbatis & Conventus *Rameſ.* facta fuit conditio in hunc modum, *Richardus*, &c. ſint viri Religioſi et in protectione Domini Papæ conſtituti, et a Sede *Romana* indultum ſit eis ne liceat cuiquam poſſeſſiones ſuas Eccleſiaſticas auſu temerario invadere vel perturbare, *Nicholaus* Rector Eccleſiæ de *Cartheward.* in diſpendium animæ ſuæ, tanquam filius Leviathan, poſſeſſiones ſuas Eccleſiaſticas perturbare non ceſſat, ipſos & homines ſuos interdum per ſe, interdum per alios inquietando injuſte, et ſic privilegia ſua violare præſumit. Dicunt eciam Abbas & Conventus, quod in privilegiis a Sede *Romana* eis indultis lata eſt ſentencia Excommunicationis in omnes tales invaſores et perturbatores; unde dicunt ipſum *Nicholaum* incidiſſe in ſententiam Excommunicationis a ſummo Pontifice latam, et petunt ut appellatur per Judices ſuos deſiſtere a tali perturbacione, et ſatisfacere commiſſis. Et etiam ut adeat Sedem *Romanam*, et ibi impetret beneficium abſolucionis a ſummo Pontifice a quo eſt Excommunicatus. Et ut plenius conſtet eidem *Nicholao*, in quibus dicunt ipſum poſſeſſiones ſuas Eccleſiaſticas perturbaſſe, dicunt quod cum mota fuit quædam Cauſa authoritate Domini Papæ inter ipſos et *Thomam* Rectorem Eccleſiæ de *Anewelle* ſuper decimis de Dominico *Reginaldi le Moine* in villa de *Anewelle*, idem *Nicholaus* pro viribus ſuis nitebatur prædictas decimas a Monachis *Rameſ.* ſubtrahere, et adhuc nititur. Eodem modo fecit *Nicholaus* in quadam Cauſa mota inter ipſos & *Theobaldum de Leke*, ſuper decimis de Dominico dicti *Theobaldi.* Eodem modo fecit idem *N.* in aliis & ſimilibus Cauſis, ut dicunt dicti Abbas & Conventus. Et propter iſtas cauſas dicunt dictum *N.* incidiſſe in ſententiam Excommunicationis a ſummo Pontifice latam. Iſta dicunt ſalvo ſibi jure addendi, mutandi, vel minuendi: Recitata igitur iſta conditione coram nobis & eidem *Nicholao* traditâ, ſigillis noſtris in judicio ſignatâ, ſponte et ſine difficultate aliqua juriſdictioni noſtræ ſe ſubjecit, et litem conteſtatus eſt intentioni dictorum Abbatis & Conventus penitus contradicendo. Et datus fuit dies de conſenſu parcium ad teſtes producendos; quo die idem *N.* contumaciter ſe abſentavit. Et quia noluimus, licet de jure poſſemus, in ejus abſencia teſtes contra ipſum admittere, fecimus ipſum pluribus et legitimis edictis vocari. Tandem præcedentibus aliis legitimis penis, propter multiplicatam contumaciam ſuam ſententia excommunicationis ipſum innodavimus, et excommunicatum publice denunciari fecimus. Cum autem in prædicta ſentencia per quadraginta dies et longe amplius prædictus *Nicholaus* perſeverare non erubuit, nec adhuc erubeſcit; dedimus in mandatis Domino *Lincolnienſi* Epiſcopo, ut ſeriem facti excellenciæ veſtræ ſignificaret, qui quod ſuum erat in hac parte diligenter eſt executus: poſtquam vero decreviſtis ipſum forę juſticiandum per brachium ſeculare; et ſuper hoc litteras veſtras Vicecomiti *Hunedon* direxiſtis, prout nobis intimatum eſt, ſuggeſſit vobis idem *Nicholaus*, quod prædicti Abbas et Conventus traxerunt eum in Cauſam coram nobis ſuper hoc; quod idem *N.* perturbaret pacificam poſſeſſionem ſuam de quodam Manerio ſuo de *Stivecle*: Maximè quia idem *N.* araniavit verſus eos *Aſſiſam mortis anteceſſoris* ſuper eodem Manerio. Nos verò quia nolumus quod factum noſtrum vos lateat in aliquo, Dominacioni veſtræ ea qua decet reverentia ſignificamus, quod nunquam in præſencia noſtra de prædicto Manerio facta fuit mencio, nec eciam de aliquo Laico feodo dictam cauſam contingente. Set jam per unum annum integrum duravit contencio inter eos ſuper Decimis in condicione præſcripta nominatis, et ſuper perturbacione poſſeſſionis ſuæ de eiſdem Decimis: Si enim ſuper jam dicto Manerio vel aliquo alio Laico feodo vel eciam Laicis catallis coram nobis mota fuiſſet quæſtio, ſtatim decreviſſemus convictionem talium ad nos non pertinere. Valeat dominacio veſtra in Domino.

An. 9 H. 3.

In eadem Bundela, An. 9 H. 3. in Turre London.

The Archbiſhops and Biſhops having freely granted the King the 20th. part of theirs and their Villains goods for his ſupply to be taxed and collected only by themſelves; the King thereupon iſſued this Writ to his Collectors, not to intermeddle with the taxing or collecting thereof, but only of the goods and chattels of Abbots, Priors and other religious perſons.

An. 9 H. 3. Bundela Breviarum, An. 8 H. 3. in Turre London.

TAxatoribus & Col. salutem. Cum Archiepiscopi et Episcopi regni nostri vicesimam bonorum suorum et villanorum suorum nobis liberaliter sui gratia concesserint, et volumus quod ipsi hujusmodi vicesimam per manum suam taxari, levari, et colligi faciant, in forma eis per nos tradita et injuncta; vobis mandamus, quod de taracione seu collectione vicesimæ Episcoporum seu villanorum suorum in nullo vos intromittatis; proviso quod vicesimam bonorum et catallorum Abbatum, Priorum, et cæterorum Religiosorum Com. prædicti taxari et colligi faciatis, sicut vicesima alibi taxatur et colligitur in regno nostro. Testibus, *&c.*

Some of the Nobility who had formerly Crowned *Lewes* of *France* King, and been the cause of King *John*'s death, for which they were banished the Realm, endeavouring to return into *England* and set up the *French* Kings interest, and domineer over the King and his faithfull counsellors, by circumventing Pope *Honorius*; thereupon *Hubert de Burgo*, and nine more of the Kings Counsil (about the 8th. year of King *Henry*'s reign, as I conjecture) sent this memorable Epistle to Pope *Honorius* to assist the King and them as he formerly had done, and prevent this dangerous Plot and design; a Copy whereof in a very excellent hand, I met with in the *White Tower*.

In Turre London. circa An. 8 H. 3.

SAnctissimo Patri ac Domino *Honorio* Dei gratia Summo Pontifici, devoti sui *H. de Burgo* Justiciarius *Angliæ*, *R.* Comes *Cestriæ*, *Falcat. de Breante*, *Philippus de Aubigny*, *Willielmus de Cantilupo*, *Galfridus de Nevil*, *Brian. de Insula*, *Engelardus de Cigogny*, *Hugo de Nivona*, fideles Domini Regis *Angliæ*, seipsos ad oscula pedum beatorum. Paternitati vestræ quascunque possumus gratiarum referimus actiones, eo quod circa devotissimum vestrum Dominum nostrum *Henricum* Regem *Anglorum* illustrem, tam per vestram, quam per Domini *P. Norwicen.* electi Legati vestri sollicitudinem, manum invictam et curam vigilantem in omnium suorum promotione honorum dignatur vestra Sanctitas exercere, universa ejusdem Domini nostri negotia, plusquam possimus dicere, laudabiliter promovendo. Verùm cum juxtà verbum sapientis, *Non sit minor virtus quam quærere parta tueri*, Dominationem vestram non desinimus pia sollicitare instantia, ut considerantes infinitas angustias et labores graves quas vestra Sanctitas sibi non parcens, ut nobis posset proficere, per se ac suos in defensione Domini nostri et totius regni, non recusavit nec timuit sustinere: Incrementum adeo boni nominis, et cum tanta difficultate exculti conservetis ab inimici hominis conculcatione maligna, ne pervatur per aliquorum nequitiam id quod per tantam providentiam, vestri gratia, in Domino nostro condidistis ac nobis. Sicut enim ex quorundam provida significatione didicimus, quidam persuasionibus suis Sanctitatem vestram circumvenire intentos, illos qui pro suæ immensitate maliciæ et sacrosanctæ *Romanæ* Ecclesiæ contemptu, ac lesæ Majestati Regiæ vicio, et totius regni turbatione, per nostram et Apostolicæ Sedis deliberationem a toto regno sententialiter sunt exclusi, ad regnum revocare, et in ipso promovere nituntur. Ac etiam super ipsum Dominum Regem et regnum, potestatem suam et dominium ampliare. Cumque nulli sit dubium quin universa Domini Regis et regni detrimenta valeant pullulare, si tales scismaticos et perversos ad regnum, quod absit, revocari; aut ipsos aut fautores ipsorum in regno promoveri vel exaltari contingat. Paternitatem vestram exoramus attentius, ut cum Dominum Regem ac regnum tanto diligentius vos oporteat conservare, quanto specialius vestræ sumus dominationi subjecti, placeat Sanctitati vestræ proditis scismaticis taliter claudere viam reversionis ad regnum, ne de cætero vos præsumat quisquam super hoc infestare; nec liceat illis aut eorum fautoribus nos qui pro fidelitate Domini nostri et vestra, ac sedis Apostolicæ devotione, parati sumus et fuimus qualibet incurrere detrimenta, ad effusionem nostri sanguinis, et turbationem quietis et pacis nostræ ulterius provocare. Ut autem super hoc Sanctitati vestræ nostra intentio penitus declaretur, pro certo teneat vestra Paternitas, quod in nullius necessitatis articulo a devotione sedis Apostolicæ et fidelitate Regia aliquatenus recedamus: unde ut in his firmi et stabiles persistamus, præcavere volentes cuilibet eventui sive facto per quod posset nostro proposito præjudicium generari, nullatenus volumus vel permittemus aliqua ratione, ut hii qui in partibus vestris malorum omnium initium extiterunt, qui sacrosanctam *Romanam* Ecclesiam contemnentes, Domini nostri majestatem nisi honore Regio spoliare, et gloriantes se causam dedisse mortis claræ memoriæ *F.* Regis *Angliæ* Domini nostri, filii sui, ac nostrorum omnium fidelium ejus sanguinem sitiebant, ad regnum aliquatinus revertuntur,

tuntur, vel ipſi vel aliqui qui eis conſenſum præſtiterant aut favorem, regno præſi- *An.* 9 & 10
ciantur; aut ulterius promoveantur in ipſo. Non enim decet ut aliqui ſuper Do- Hen. 3.
mini Regis et noſtra capita dominentur, de quibus conſtet nos mortali fuiſſe odio
perſecutos. Paternitas igitur veſtra circa iſta conſideret, et attendat ea quæ honori
ſuo expediant, et ad Domini Regis et regni pertineant tranquillitatem et pacem.

In the Plea-Rolls of *Michaelmas* Term, *An.* 9 & 10 *H.* 3. I met with this memorable Caſe for ſuing in *Court Chriſtian* for a Lay-fee, againſt the Kings prohibition.

Philippus de Ardern *Clericus attach. fuit ad reſpondendum* Johanni *filio* Roberti, quare trahit eum in Placitum in Curia Chriſtianitatis de Laico feodo ipſius Johannis fil. Robert. contra Prohibitionem, &c. *Unde idem* Johannes *per Attornatum ſuum queritur, quod idem* Philippus trahit eum in Placitum de boſco de Lee, et de mora de Wycton; *Et ſimiliter de hoc, quod ubi ipſe* Johannes *& homines ſui capiunt vadia ipſius* Philippi pro deterioracione bladi et prati, et aliorum dampnorum; de illa captione trahit idem Philippus eum in Placitum, per quod deterioratus eſt, &c. ad valenciam C. Marcarum, et inde producit ſectam, &c. Plac. in octab. S. Mich. An. 9 & 10 H. 3.

Et Philippus *venit & dicit, quod non debet eidem* Johanni *vel Attornato ſuo de aliquo Placito reſpondere*, quia excommunicatus eſt; et inde profert literas Domini Archiepiſcopi Ebor. *quæ hoc teſtantur in hæc verba*; W. *Dei gratia*, &c. Sciatis quod Abbas de Kokerſand, et de Kokerſand et de Rokeham Priores denunciaverunt nobis, ſe Nobilem virum Johannem filium Roberti auctoritate Domini Papæ vinculo excommunicationis innodaſſe. Mandantes ut ipſum talem denunciaremus, quod vobis ad inſtanciam Magiſtri Philippi latoris præſencium ſignificamus, ut ſuper hoc certitudinem habeatis. *Valete. Dat.* &c. *Et ideo idem* Philippus *dicit*, quod non vult ei reſpondere niſi Curia conſideraverit.

Et Johannes *per Attornatum ſuum venit & dicit*, quod de Placito coram illis Judicibus non queritur, quia de decimis Fœnorum et Molendinorum quod ibi exigebat libenter faciet quod de jure facere debebit, ſet de prædicto Laico feodo ſuo; et præterea de quodam Heremitagio, et de decima Beſtia ſorteſtæ ſuæ eum implacitavit contra Prohibitionem, &c. coram W. Theſaurario, et G. Penitenciario Eborum; et inde habet ſectam, &c. et bene concedit ei, &c. decimas Fœni, et Molendinorum, et Pannagii.

Et Philippus *hoc totum defendit*, niſi tantum de decima Beſtia quam exigit, et unde Eccleſia ſua fuit ſeiſita; *& dicit quod ipſe & homines ſui ſemper habuerunt paſturam ſuam* per totum in ſorteſta, *& idem* Johannes *& homines ſui* capiunt homines ſuos et auferunt ei paſturam et communam ſuam.

Ad diem illum quia Johannes *nichil oſtendit per* citaciones vel alio modo, quod idem Philippus aliquod Placitum ſecutus fuit in Curia Chriſtianitatis, de aliquo Laico feodo, conſideratum eſt quod Philippus eat inde quietus, et Johannes in miſericordia. Et prohibitum eſt Philippo ne ſequatur aliquod Placitum contra Coronam Domini Regis.

Dies datus eſt eis de audiendo Judicio ſuo in Octab. Sancti Hillarii *prece parcium.*

From which Caſe I ſhall obſerve, 1. That the Eccleſiaſtical Courts had then no Juriſdiction of Lay-fees, Common of Paſture, Lay-contracts or Services, and were ſtrictly prohibited to hold any Plea of them againſt the Kings Crown and dignity. 2ly. That they and the Popes Delegates then held Plea with the Kings permiſſion of the Tithes of Hay, Mills, and Pannage. 3ly. That an * Excommunication by the Popes Delegates in *England* publiſhed and certified into the Kings Court by any Biſhop or Archbiſhop, was no good barre in Law againſt the Plaintiff, whereof the Judges would take no notice, though pleaded in barre in this Caſe, unleſs Excommunicated by the Archbiſhop himſelf. * See Cooks 1 Inſtit. fol. 134. a.

Tom. 2. p. 402. l. 40. after *Decano*, adde. About this year, (as I conjecture) the Prior and Covent of S^t. *Benedict de Hulmo*, having upon their petition obtained a Licenſe to elect an Abbot, after their election ſent this Certificate to the King, humbly imploring his confirmation of the Abbot elected by them, in this form: the Original whereof I found in the *White Tower*, expreſſing great humility, devotion and affection to the King in their proceedings therein. *An.* 10 H. 3.

Bundela literarum & certificationum An. 10 H. 3 in Turre London.

REverendo Domino ſuo *H.* Dei gratia illuſtri Regi *Angliæ*, Domino *Hiberniæ*, Duci *Normanniæ*, *Aquitaniæ*, Com. *Andegaviæ*; Frater *L.* Prior Sancti *Benedicti de Hulm.* & ejuſdem loci humilis Conventus, ſalutem in eo qui dat ſalutem Regibus,

An. 10 H. 3. Regibus. De licentia nobis eligendi Pastorem a donatione vestra benigne concessa, vobis multiplices referimus gratiarum actiones. Qua gratanter obtenta, nos unanimi assensu & communi voluntate omnium fratrum Capituli nostri, invocata Sancti Spiritus gratia, jurta formam Concilii et mandatum vestrum nobis per fratres nostros & Com-monachos à Serenitate vestra directum; Dominum *Robertum de Torkesey* Priorem de *Rameseya*, virum morigeratum, benè literatum, Deo (ut firmiter credimus) acceptabilem, vobis et regno vestro utilem et fidelem, et ad regimen Abbatiæ nostræ intus et exterius providum et discretum, elegimus in Pastorem nostrum et Prælatum. Hinc est quod vestræ quanta possumus humili affectione supplicamus Dominationi, quatinus divinæ pietatis intuitu, et beati patris et patroni nostri *Benedicti*, electioni nostræ secundum Deum (ut credimus) celebratæ, assensum et favorem vestrum præbere non dedigneminì. Et eundem Electum nostrum ad gratiam vestram (si placeat) admittatis. Scientes pro certo, quod nos apud Deum semper speciales habebitis intercessores. Valeat Excellentia vestra per tempora longa.

Tom. 2. p. 403. l. 35. after *absolutionis*, adde; Pope *Honorius* having gratified King *Henry*, by his menacing Bull to *Geoffry de Lisimaco*, earnestly demanded by *Otto* his Legate all the arrears of the 1000. Marks *Annual rent* granted by his * Father King *John*, due from the beginning of his Papacy, and the Kings reign; who thereupon payed all the arrears, amounting to ten thousand Marks; for which he desired the Popes acquittance by this Letter.

* Tom. 2. p. 273, 274, 289.

Claus. 10 H. 3. m. 11. dorso. DOmino Papæ, salutem. Ad instantiam Magistri *O.* Subdiaconi & Capellani vestri, viri utique prudentis & merito commendabilis, qui ad nos transmissus ex parte vestra, requirebat a nobis instanter ea quæ restare a tempore Papatus vestri credidit de annuo Censu nostro vobis debito; Paternitati vestræ præsentibus intimamus, quod venerabili Patri *P. Norwicen.* Episcopo, Septem millia quadringentas et tredecim marcas, et dimidium de prædicto Censu solvimus, sicut meminit ipse pariter et confitetur; et ad perficiendum octo millia marcarum, prædicto Magistro *Ottoni* solvi fecimus quingentas quater viginti et sex marcas et dimidium; et præterea mille marcas sibi assignari fecimus. De mille vero marcis vobis satisfecerint Magister *Stephanus de Eketon*, et Magister *Stephanus de Ducy*, Nuntii nostri, sicut nobis significastis; et sic de toto tempore Papatus vestri plenarie vobis est satisfactum. Supplicamus igitur Sanctitati vestræ quatinus nobis super hoc literas vestras patentes dignemini destinare. Teste meipso apud *Westmonast.* 24 die *Martii*, anno regni nostri decimo.

This is the very first Record I find for the payment of this annual summ by the King to the Pope, after King *John*'s Charter and Grant thereof, omitted in the * second Tome. That which induced the King and his Counsil now to pay it, was his premised Bull, and a *Quindism* which this Pope had granted him from the Clergy of *England* and *Ireland*, with other affairs of grand importance, for which he craved and needed the Popes and his Cardinals favours, mentioned in his Letters to them soon after: towards the speedy granting and collecting of which *Quindism*, he issued forth these ensuing Writs, wherein to gratifie the Clergy, and induce them to grant him this Fifteen, he did at the Archbishops and Bishops requests, command the Tithes of Hay and Mills to be paid to the Clergy out of all his Crown-land, (not formerly paid, being exempt from Tithes) and promised to induce all the Nobles to pay them likewise out of their demesnes.

* Tom. 2. p. 306, 307.

Claus. 10 H. 3. m. 14. dorso. REX venerabili patri in Christo *R. Cicestren.* Episcopo, & Cancellario suo, salutem. Expectantes post obtentam de liberalitate vestra et cæterorum Prælatorum *Angliæ* mobilium suorum quintamdecimam, et ex beneficiis Ecclesiasticis, jurta quod scripsit Dominus Papa venerabilibus patribus Archiepiscopis, Episcopis, et universo Clero regni nostri, ut auxilium competens et efficax nobis faciant universi, scripsimus singulis Decanis et Capitulis per literas nostras clausas, simul et Abbatibus, Prioribus et Prælatis omnium domorum Religionis in Dioc. vestra constitutis in communi per literas nostras patentes, quatenus necessitatibus nostris compatientes, tale nobis auxilium de beneficiis suis, de quibus quintam decimam non recepimus, impendant, ut de collato nobis in hac parte beneficio singulis et universis ad gratiarum actiones teneri, et in agendis suis promovendis adesse debeamus promptiores; De dilectione igitur vestra confisi, paternitatem vestram rogamus attentius, quatinus Decanos et Capitula, viros religionis, et universum Clerum

Diocœsis

Diœcæsis vestræ, quos dictum tangit negotium, in præsentia vestra constitutos, absque moræ dispendio ad auxilium nobis efficax impendendum de prædictis beneficiis efficaciter inducere velitis, innitentes mandato Domini Papæ vobis et cæteris Ecclesiarum Prælatis directo, ac literis nostris, de quibus superius mentionem fecimus, amicabiliter et prudenter utentes: Ut non solum eorum liberalitati, verum etiam instantiæ vestræ erga eos pro nobis assumptæ ascribere debeamus ea quæ nobis impensa fuerint in hac parte. Cupientes autem non solum facere, set et aliis faciendo exemplum præbere; ea quæ communi Ecclesiæ et Cleri conveniant utilitati et honori, ad consilium venerabilis patris *Cantuariensis* Archiepiscopi et Co-episcoporum suorum, concessimus, ut decimæ fœni et molendinorum (omni cavillatione cessante) de singulis Dominicis nostris in regno nostro de cætero præstentur. Hoc idem singulis Ballivis nostris per literas nostras mandantes, laborabimus in bona fide ut Magnates regni nostri simili præstationi Decimarum de cætero consentiant, litis dispendio cessante. T. apud *Westm.* 27 *Maii.* *An.* 10 H. 3. *Nota.*

REX dilecto sibi in Christo Decano & Capitulo *Cicestr.* salutem. Condolens affectu paterno, Dominus Papa insufficientiæ nostræ scripsit duodum venerabilibus patribus et universo Clero regni nostri, monens attentius et mandans, ut obtentu pietatis subsidium efficax et competens de beneficiis suis nobis fierent: universi, quatinus ipsorum præstationibus adjuti, paci Ecclesiæ et regni nostri commodius possemus et fortius provicere. Moti ergo misericorditer ad succurrendum nobis, immo potius ipsis in nobis. Prælati terræ nostræ prædictæ consenserunt de quintadecima mobilium suorum nobis subvenire, consensum pium operum effectu prosequentes. Quoniam igitur de liberalitate vestra dependet consummatio negotii prædicti, benignitatem vestram rogamus attentius, quatinus necessitatibus nostris moti, velitis affectione sincera, quod quidem expectaremus, de voluntatibus vestris nullo præcedente mandato. Tale igitur auxilium et tam efficax nobis in hac parte facere velitis, ut Ecclesiæ *Romanæ* de collato nobis per vos beneficio ad gratiarum actiones teneri, et vobis singulis et universis in negotiis vestris promovendis esse debeamus promptiores: Cupientes tantum non solum facere, sed et aliis faciendo exemplum præbere, ea quæ communi Ecclesiæ et Cleri conveniant utilitati et honori, ad consilium venerabilium patrum *Cant.* Archiepiscopi et Co-episcoporum suorum concessimus, ut decimæ fœni et molendinorum, omni cavillatione cessante, de singulis Dominicis nostris de cætero præstent. Hoc idem de singulis Ballivis nostris per literas nostras mandantes: Laborabimus quidem bona fide ut * Magnates nostri simili præstationi Decimarum de cætero consentiant, dispendio litis cessante. Teste ut supra. Ibidem.

* See Register of Writs, f. 26. b. Fitz Nat. Brev. 40. N. 41.

Eodem modo scribitur Abbatibus, Prioribus, et cæteris viris Religiosis, et omnibus Ecclesiasticis personis in Episcopatu *Cicestriæ* constitutis, hoc apposito post. Tale igitur, *&c.* Facere curetis de beneficiis & bonis vestris, de quibus quintamdecimam non recepimus, ut Ecclesia *Romana*, &c. ut supra.

In pursuance of which promise, the King issued these Writs to several Sheriffs and Bayliffs for payment of the Tithes of Hay and Mills out of his Demesnes.

REX Vic. *Sussex.* salutem. Scias quod ad consilium venerabilium patrum Archiepiscoporum et Episcoporum nostrorum, concessimus ut Decimæ Fœni et Molendinorum de singulis Dominicis nostris in regno nostro de cætero præstentur; et ideo tibi præcipimus, quod id per totam Ballivam tuam clamari, et de singulis Dominicis nostris in Balliva tua factas observari. Teste ut supra. Clauf. 10 H. 3. m. 14. dorso.

REX Ballivo suo de *Odiham*, salutem. Scias quod ad Consilium, *&c.* ut supra. et ideo tibi præcipimus, quod de Dominicis nostris, quæ sunt in custodia tua, Decimas dari facias, sicut prædictum est. Teste ut supra. Ibidem.

Eodem modo scribitur *Ricardo de Argentine*, de decimis Fœnorum et Molendinorum de *Essenden* & *Beiford*, & Constabular. de *Hertford*. & Ballivis de Dominicis Domini Regis quæ sunt in custodia sua.

Eodem modo scribitur Ballivis *Exon.* de decimis Molendini Domini Regis juxta Castrum *Exon.* quod est in manu sua, cum Villa *Exon.* Teste Rege apud *Westmonast.* quinto die *Julii.* Custodi Honoris *Wallingeford* in Balliva sua. Ballivis de *Cnaresburgh* in Balliva sua.

Eodem modo scribitur Ballivis de *Gaitington* de decimis, &c. in villa de *Gaitington*; Ballivis de *Paikering*, & Ballivis de *Pocklington*, &c. in Balliva sua. Vicecom. *Nottingham* & *Derbe* in custodia sua. Constabular. de *Bruges* in Balliva sua.

Eodem

An. 10 H. 3. Eodem modo scribitur Constabular. de *Merleberg.* de Balliva sua. Constab. *Divis.* & de *Merleberg.* de Dominicis Domini Regis quæ sunt in custodia sua faciat habere. *R. Sarum* Episcopo, & aliis personis Ecclesiasticis.

Eodem modo scribitur Constabul. de *Bruges* de Molendino de *Foneston*, quod decimas Molendini illius solvi faciat Ecclesiæ, in cujus parochia Molendinum illud situm est.

Eodem modo scribitur Archiepiscopo *Eborum*, quod decimas dare faciant de singulis Dominicis Domini Regis in Balliva sua, et Ballivis de *Geipewico*, quod decimas dari faciant de singulis Dominicis Domini Regis in villa de *Geipewic.*

Ibidem, m. 3. dorso. Eodem modo scribitur Ballivis de *Coisham*, de decimis Fœni de Dominicis Domini Regis de *Coisham* dandis Ecclesiæ de *Coisham.*

Ibidem, m. 3. dorso. REX scribit Abbati de *Wellebec*, quod de Molendinis quæ ad firmam habet de Domino Rege in parochia de *Ratford*, personis Ecclesiæ de *Ratford* decimas dari faciat. Teste Rege apud *Westm.* 8 die *Octobris.*

* See Mr Selden's History of Tithes. ch. 2 & Register, f. 30. b. Fitz. Nat. Brev. 40 N.

These I conceive were the first Original * Patents, Writs, Concessions, that made all the Kings Mills and Demesnes liable to pay such Tithes for the future, (from which they were formerly exempted by his Prerogative;) worthy our observation.

After which he issued these following Writs to the Bishops for collecting and sending accounts on set dayes of all arrears of the Quindisimes they had granted to him.

Clauſ. 10 H. 3. pars unica, m 14. dorso. Literæ de Arreragiis Quintædecimæ. TAli Episcopo, salutem. Rogamus vos quatinus omni dilatione & occasione postposita, mittatis usque *Westmonasterium* aliquos de vestris qui ad hoc sufficiant, ita quod ibi sint tali die coram venerabilibus patribus *J. Bathonienſi* & *R. Sarresberienſi* Episcopis, ad reddendum compotum et omnia arreragia quintædecimæ vestræ de qua tenemini respondere. Ita quod ad prædictum diem, coram prædictis Episcopis, tam de compoto, quam de omnibus arreragiis quintædecimæ prædictæ ibidem nobis plene satisfaciant. Teste Rege apud *Reading.* secundo die *Junii.*

REX Vicecomiti tali, salutem. Præcipimus tibi quod distringas omnes illos qui Justiciarii fuerunt in Balliva tua ad quintamdecimam nostram colligendam, quod sint, vel pro se mittant aliquos de suis qui ad hoc sufficiant apud *Westmonasterium* tali die, omni dilatione et occasione postpositis, coram venerabilibus patribus *J. Bathonienſi* et *Sarresberienſi* Episcopis, ad reddendum compotum, et omnia arreragia quintædecimæ nostræ de qua tenentur respondere. Ita quod ad diem prædictum coram prædictis Episcopis, tam de compoto quam de omnibus arreragiis quintædecimæ prædictæ ibi nobis plene satisfaciant. Alioquin sciturus, quod ad te nos inde capiemus. Teste Rege apud *Reading.* secundo die *Junii.*

Archiepiscopus *Cantuarienſis*, Episcopus *Roffensis*, *Lincolnienſis*; Senescallus *Norwicensis* Episcopi; Vic. *Sussex.* & *Roteland.* } In Octabis Sancti *Baptistæ*, apud *Westm.*

Episcopus *Wintonienſis* ad eundem terminum de quintadecima & carucagio.

Episcopus *Londinensis*, Abbas de *Waltham*, *Westm.* S. *Albani.* Vic. *Essex.* & *Hertford.* } In Crastino Sancti *Johannis Baptistæ*, apud *Westm.*

Episcopus *Coventrensis*, Episcopus *Herefordensis*, Episcopus *Exonienſis*; Abbas de *Evesham*, de Sancto *Edmundo*, de *Malmesbury*; Vic. *Wygornienſi*, *Stafford.* & *Salop.* } Die Sanctæ *Johannis Baptistæ* in 15 dies.

Clauſ. 10 H. 3. m. 22. dorso. REX Episcopo *Lincolnienſi*, salutem. Mandamus vobis rogantes quatinus diligenter audiri faciatis compotos de quintadecima nostra per Ballivos et ministros nostros collecta, tam de terris nostris et feodis quam virorum Religiosorum in Diocœsi vestra, et compotos ipsos distincte et aperte in scripta redactos liberetis sub sigillo vestro apud *Westm.* à die *Paschæ* in 15 dies, coram venerabili patre *J. Bathonienſi* & *R. Sarresberienſi* Episcopis, una cum omnibus arreragiis ipsius quintædecimæ eisdem Episcopis ibidem liberandis. Teste *R. Londonienſi* Episcopo apud *Westm.* 25 die *Febr.*

Eodem modo scribitur omnibus Episcopis *Angliæ*, & Abbatibus exemptis, de terris & feodis suis.

Clauſ. 10 H. 3. m. 26. dorso. REX *Willielmo Basset*, *Radulpho de Crumbwell*, *Willielmo de Vernun*, *Thomæ Tuschet*, *Henrico de Derleg*, Canonico *Suwell* Clerico, *Roberto de Lor*, salutem. Mandamus vobis de singulis receptionibus quintædecimæ nostræ per vos assisæ & collectæ de illis qui quintamdecimam illam receperunt, & eam vobis liberaverunt compoto coram

coram vobis diligenter audito, venire faciatis, omni dilatione & occasione postpositis, coram venerabilibus patribus *J. Bathonienſi*, & *R. Sarresberienſi* Episcopis, vel eorum assignatis apud *Westm.* in Crastino *Purificationis* beatæ *Mariæ*, duos ex vobis, scilicet unum Laicum & unum Clericum, ad reddendum ibidem pro vobis & pro seipsis finalem compotum de universis et singulis receptionibus prædictæ quintædecimæ * districte et aperte. Ita videlicet, ut prædicti duo secum deferant, et ibidem reddant omnia arreragia ejusdem quintædecimæ, taliter in hiis vos gerentes, ne si aliquid omissum fuerit vel minus actum de prædictis, ad vos nos capere debeamus: Mandavimus autem Vicecomiti *Notingham* & *Dereby*, quod ad hoc plenè diligenter exequend. partes suas interponat, prout opus fuerit, & vobis viderit expedire. Teste meipso apud *Westm.* 14 die *Dec.* Anno regni nostri 10. *An* 10 & 11 H. 3. * distinctè.

REX Vicecomiti *Notingham* & *Dereby*, salutem. Mandavimus Justiciariis præscriptis, quod de singulis receptionibus Quintædecimæ nostræ per eos assisæ & collectæ, compoto coram eis diligenter audito de illis qui pecuniam illam receperunt, & eam illis liberaverunt venire faciat, omni dilacione & occasione postpositis, coram venerabilibus patribus nostris *J. Bathonienſi*, & *R. Sarresberienſi* Episcopis, vel eorum assignatis, in crastinum *Purificationis* beatæ *Mariæ*, anno regni nostri decimo, apud *Westm.* duos ex eis, scilicet, unum Laicum & unum Clericum, ad reddendum ibidem finalem compotum de universis et singulis receptionibus prædictæ Quintædecimæ distincte et aperte: Ita videlicet, ut secum deferant et ibidem reddant omnia arreragia ejusdem Quintædecimæ. Tu igitur literas nostras inde eis directas, eis sine dilatione mittas, & ad hæc diligenter exequenda partes tuas interponas, prout opus fuerit & nobis videris expedire. Ita quod in nullo pro defectu tui damnum incurremus. Teste meipso apud *Westmonast.* 14 die *Decembris*, anno eodem. Ibidem.

Eodem modo scribitur Justic. & Vicecomitibus subscriptis, mutatis tamen diebus solummodo, ut patet inferius.

Linc. *Thomæ de Muleton*, *Alex.* &c. } à die *Purificationis* beatæ *Mariæ* in tres Septimanas.

There are other Writs to the like effect in the dorse of the same Roll, which I pretermit; wherein I likewise meet with this gratuity and promise of a reward or Annual pension by the King to a *Romish* Cardinal, to engage him to promote his affairs in the Court of *Rome*, where nothing was then attainable but by such pensions or bribes to Popes and their Officers.

REX S. Titulo Sancti *Adriani* Diacono Cardinali, salutem. Noveritis centum Marcas quas vobis misimus post mortem Domini *J.* Regis patris nostri, et liberalitatis nostræ mero dono, ut agendis nostris expediendis impensam diligentiam vestram respiceremus vobis fuisse transmissas, cum non crederemus, nec adhuc nobis vel consilio nostro visum sit, quod ex facto dicti patris nostri vobis teneamur in hac parte. Parati tamen gratiam vobis & honorem impendere, dilectionem vestram rogamus attencius, quatinus circa agenda nostra nichilominus solliciti sitis sicut prius, nec in hiis quæ ad nos tepide vos geratis, si placet, fiduciam certam habentes, quod diligenciæ vestræ circa honorem et commodum nostrum impensæ pariter et impendendæ, digna pro tempore curabimus favente Domino vicissitudine respondere. Teste Rege apud *Westm.* 23 die *Octobris*. Clauſ. 10 H. 3. m. 1. dorſo.

I find in *Clause* 10 H. 3. *m.* 28. *dorso*, this Entry: *Dominus Rex scripsit Domino Papæ*, quod bene placet ei, si placet Domino Papæ et Capitulis Lissemor. et Waterford. Ecclesiarum, quod uniantur ipsæ duæ Ecclesiæ; Ita tamen quod Sedes remaneat apud Waterford Civitatem Domini Regis. To which receiving no *answer*, he seconded it with the * succeeding Epistle for their Union, which himself might have made without the Pope by his Prerogative Royal. * Hœc, p. 30.

In the Plea Rolls of *Hillary* Term, *An.* 11 *H.* 3. in the *Tower*, I found this accord made between the King and Archbishop of *Canterbury*, to the prejudice of the rights and forfeitures due to the Crown. *An.* 11 H. 3. Plac. Term. Hillar. an. 11 H. 3. rot 4 in Turre Lond.

Kent ff. *Cum contencio esset inter Dominum Regem & Dominum* S. Cantuariensem *Archiepiscopum super quibusdam libertatibus, videlicet, de judicio & justicia faciendis de hominibus feodi ipsius Archiepiscopi rectatis & indictatis de pace Domini Regis infracta, & de attachiamentis faciendis de eisdem hominibus, & de custodia & incarceratione eorundem hominum, & de catallis fugitivorum, & de seisinis faciendis de terris recuperatis in Curia Domini Regis, & de bobus habendis. Ut omnes malicia &*

An. 11 H. 3. *contenciones amoverentur, & plena pax inter eos firmaretur*, Dominus Rex ad instanciam et peticionem Magnatum suorum, et pro salute animæ suæ et animarum antecessorum suorum et successorum suorum concessit; *Quòd cum aliquis de feodo ipsius Archiepiscopi rectatus fuerit vel indictatus de aliquo quod ad Coronam Domini Regis pertineat, loquela illa in Curia Domini Regis per Inquisitiones & alio modo plenè deducetur usque ad judicium, & tunc ad requisitionem Ballivorum ipsius Archiepiscopi mittetur loquela illa in Curia ejusdem Archiepiscopi; ut ibi præsentibus duobus Justic. Domini Regis vel tribus* Judicium et Justitia ibi fiant, *sive homo ille deliberandus sive dampnandus. Habeat eciam Archiepiscopus custodiam & incarcerationem talium hominum.* Concessit eciam, quod habeat catalla hominum fugitivorum de feodo suo, et quod per Ballivos ipsius Archiepiscopi fiant seisinæ de terris quæ sunt de feodo suo recuperatis in Curia Domini Regis, sive per assisam, sive alio modo: Et quod Archiepiscopus habeat boves occasione earundem seisinarum habendos. Attachiamen. eciam facienda de hominibus feodi Archiepiscopi fiant a Ballivis ipsius Archiepiscopi per visum servientis Domini Regis, *&c.*

Thus did the Archbishop then gain upon the rights and prerogatives of the Crown, to advance his own grandeur and seignory.

In the same Term, I find this Suit for prosecuting a Suit in Court Christian for Chattels and Debts not of *Testament* or *Matrimony*, against the Kings Prohibition.

Plac. de Term. Hillar. An. 11 H. 3. rot. 9 intus, in Turre London.

Robertus Halcrum *obtulit se 4 die versus* Herbert. *Canonicum Sancti* Pauli London. *de plac.* quare secutus est placit. in Curia Christianitatis, *de catallis quæ non sunt*, &c. Ibid. dorso. *Bedf.* Richardus *Prior de* Barstaple attachiatus fuit ad respondend. Johanni de Justue et Ric. Inge, quare traxit eos in placitum in Curia Christianitatis de catallis ipsorum Johannis et Richardi quæ non sunt de Testamento vel Matrimonio, *&c.* contra Prohibitionem, *&c. Et Prior venit & dicit*, quod non implacitavit eos nisi de Decimis et Oblationibus et his quæ pertinent ad Ecclesiam suam. *Eodem modo respondit contra* Johannem Papmol, Alexand. Juvenem, (and seven more there named) quare secutus est eos de eodem, &c.

Tom. 2. p. 406. l. 15. after *us*, this Patent should have been inserted.

Pat. 11 H. 3. parte prima, m. 11: Hibernia de auxilio fac. Dom. Regi.

REX venerabili patri *H. Dublin.* Archiepiscopo & suffraganeis suis, salutem. Cum Dominus Papa statu rerum et temporum exigente multiplici nos viderit auxilio indigere, ac propter hoc tanquam pius pater et providus auxilium nobis liberaliter mandaverit, de bonis et possessionibus Ecclesiasticis tam in *Hibernia* quam in *Anglia*, *&c.* (*verbatim, as in that there printed to the Abbots.*) Ut autem vos & totum *Hiberniæ* Clerum securos efficiamus & certos, quod non trahetur in consequentiam, vel præjudicium generabit Ecclesiasticæ libertati subventionis hujusmodi exhibitio, super hac Immunitate vestra et totius *Hiberniæ* Cleri, literas nostras patentes conceptas in eadem forma qua Prælatis et Clero *Angliæ* literas nostras consimiles dedimus, vobis duximus transmittendas. Teste Rege apud *Westmonast.* 10 die *Decembris.*

Eodem modo scribitur *Armakano* Archiepiscopo, *Tuamensi* Archiepiscopo, *Cassellensi* Archiepiscopo.

De Immunitate pro eodem Auxilio.

REX Archiepiscopo *Dublin.* & suffraganeis suis, salutem. Cum Dominus Papa *Honorius* tertius propter urgentia negotia nostra, Archiepiscopis terræ nostræ *Hiberniæ* per literas Apostolicas dedisset in mandatis, ut Clerum *Hiberniæ* sibi subditum moverent diligenter & inducerent, quod de beneficiis suis competens auxilium caritative nobis facere debent, ad conservationem pacis Ecclesiasticæ et regni nostri *Angliæ*, et ad recuperationem juris hæreditatis nostræ, Clerus præfatus ad faciendum præmissa prona devotione inductus, liberaliter concessit & benignè sextamdecimam partem beneficiorum suorum secundum æstimationem * 1. anni competentem; Ita quod ex hac gratia gratis et liberaliter tunc nobis impensa, processu temporis Ecclesiis vel Ecclesiasticis personis seu beneficiis nullum posset aliquatenus præjudicium generari. Nos igitur nolentes occasione gratiæ et liberalitatis nobis ut præmissum est affectu favorabili impensæ, Ecclesiæ Dei, Archiepiscopis, Episcopis, aliisve Prælatis, Clericis aut Ecclesiasticis seu Religiosis viris, vel Ecclesiasticis possessionibus quibuscumque, vel feodis, vel hominibus eorum præjudicium, vel gravamen aliquod aliquo tempore generari, nec simílem præstationem trahi posse in consuetudinem vel debitum, præsentibus literis nostris cum multiplici gratiarum actione protestamur, beneficium taliter nobis collatum ex sola liberali gratia

* unius.

Cleri

Cleri processisse, nec illud a nobis, vel hæredibus nostris occasione, vel exemplo tali in debitum vel consuetudinem trahi posse. In cujus, &c. fieri fecimus. Teste ut supra. *An.* 11 & 12 Hen. 3.

Eodem modo scribitur prædictis Archiepiscopis *Hiberniæ.*

Tom. 2. p. 408. l. 2. after *Novembris*, adde; The King needing the Popes and Cardinals assistance in a business which highly concerned his exaltation and honour, writ these ensuing gratulatory and complemental Epistles to them, fully to promote and effect it.

DOmino Papa, salutem. De beneficiis ineffabilibus à sanctitate vestra nobis pie collatis, devoti et humiles ad gratiarum vobis assurgimus actiones; significantes Dominationi vestræ, quod tranquilla pace per totum regnum nostrum nobis integrè reddita, & statu nostro per omnia jocundius & plenius solito, divina præventi gratia gratulamur. Verum cum ex gratia sanctitatis vestræ dependeat, ut ad plenum respiremus, pedibus sanctitatis vestræ provoluti misericordiam vestram imploramus, (quatinus cum Ecclesia *Romana* nobis sibi præ cunctis terræ principibus specialiter et fortiter astricta) teneatur non deesse, negotium pro quo præsentes ad vos destinavimus venerabilem patrem *A. Coventren.* Episcopum, in cujus negotii promotione consistit exaltatio nostra, et honoris nostri perpetui spes certissima, ea affectione curetis expedire, (si placet) qua personam nostram, et summæ promotionis nostræ maturatum diligitis effectum. Teste Rege apud *Westm.* 18 die *Jan.* Clauf. 11 H 3 pars 2. nu. 22. dorso.

CArdinali sic. De beneficiis innumeris a sanctitate vestra nobis impensis, ad devotas vobis assurgimus gratiarum actiones; Significantes dilectioni vestræ, quod tranquilla pace, *&c.* ut supra. Verum cum ex gratia sanctitatis Apostolicæ, (quam suppler et devotus requirit venerabilis pater *A. Coventrensis* Episcopus, ad Curiam *Romanam* nuper transmissus) dependeat ut ad plenum respiremus; et ut ea maxime consistant exaltatio nostra et honoris nostri perpetui spes certissima; ad obtinendum quod petit pro nobis, ea velitis affectione laborare, qua personam nostram et summæ promotionis et restitutionis nostræ maturatum diligitis effectum. Teste ut supra. Ibidem.

In hac forma scribitur *G.* Titulo sancti *Marcini* Præsbytero Cardinali, *S.* Titulo sancti *Adriani* Diacono Cardinali, *J.* Titulo sancti *Praxedis* Præsbytero Cardinali, *H. Hostiensi* & *Velletrensi* Episcopo, *S. Basilicæ* 12 *Apostolorum* Præsbytero Cardinali, *R.* Titulo sanctæ *Mariæ* in *Cosmedin. Th.* Titulo sanctæ *Sabinæ* Præsbytero Cardinali, et universis Cardinalibus per litteras patentes.

In the Plea Rolls in the *Tower*, *Term. S.* Michaelis, *An.* 12 H. 3. I found these ensuing Suits for holding Pleas against the Kings Prohibitions in Courts Christian. *An.* 12 H. 3.

Willielmus de Cobevill *obtulit se 4 die vers. Dom. Archidiaconum* Dorset. & Rich. *Decanum de* Bedepat, *de plac.* quare tenuerunt placitum in Curia Christianitatis de laico feodo suo in Badwaddon; & *contra Magistrum* Rogerum de Pontesham, *de plac.* quare secutus est idem placitum in eadem Curia contra Prohibitionem Domini Regis, *&c. Et ipsi non venerunt*, &c. Dorset.

Engeramus de la Shagh *obt. se 4 die vers.* Johannem *Decanum de* Preston, *de plac.* quare tenuit plac. *&c.* de laico feodo ipsius Eng. in Engleham en la Shagh, contra Prohibitionem Dom. Regis: *Et vers.* Johannem *Personam Ecclesiæ de* Hileworth, quare secutus est placit. illud, &c. *Et ipsi non venerunt*, &c. Rot. 10. Northampt. ff.

Willielmus *Præcentor de* Kernewell, & *Magistr.* Johannes *Penitentiarius de* Ely attachiati fuerunt ad respond. Roberto fil. Walteri, quare tenuerunt placitum in Curia Christianitatis de Advoc. Ecclesiæ de Sevechaux contra Prohibitionem Regiam; & Andr. de Stallerns *sum. fuit ad respondend. eidem* Roberto; quare secutus est placitum de eadem Advocat. contra eandem Prohibitionem: *Et Præcentor & Magist.* Johannes *veniunt & defendunt*, quod non tenuerunt placit. contra Prohibitionem Regiam; *sed revera aliquod tenuerunt placitum, sicut prædict. est contra* Andræum, Petrum & Richardum *Clericum, Personam de* Sevexes, *de hoc petunt Ecclesiam de* Sevechaux, ut Capellam pertinent. ad Ecclesiam ipsius Andreæ de Hundon: *sed statim* postquam mandatum Dom. Regis de Prohibitione susceperunt, cessaverunt; et hoc idem dicit Andræas. *Et* Robertus *filius* Walteri *per Attorn. suum dicit*, quod post Prohibitionem illam Excommunicaverunt Richardum Clericum suum, nisi idem Richardus amitteret Ecclesiam suam: *Et Judices dicunt*, quod hoc fuit ante Prohibitionem propter contumaciam suam; *Et benè concedunt*, quod amplius non tenebant placitum, et quod absolvent eum. *Et ideo sine die.* Ibid. Rot. 14 Cantebrig. ff.

An. 12 H. 3. Johannes de Burghill *Clericus opt. se 4 die vers.* Rob. *Vicar. de* Burghill, de placit. quare secutus est placit. in Curia Christianitatis de laico feodo ipsius Roberti in T.

Ibid. Rot. 22. Hereford. ff. contra Prohibitionem Regiam; *Et quia non venit* attachiatus fuit, *&c.*

Tom. 2. p. 416. l. 6. adde; The King likewise sent this Epistle to the Emperour.

Clauſ. 12 H. 3. m. 22. IMperatori, *&c.* Ecclesiastica pace gaudere, et de inimicis Crucis Christi triumphum. Venientem ad nos Imperialis Aulæ nuncium præsencium latorem Militem vestrum, affectu quo decuit recepimus, & porrectis nobis literis Celsitudinis vestræ audivimus & intellexeimus diligenter, quæ fuerant in eisdem contenta super statu vestro, & aliis quæ circa personam vestram nuper acta dicuntur, de quibus ante susceptionem nuntii & literarum vestrarum Dominus Papa per literas suas nos fecerat certiores: pro quo, si placet Dominus noster, nihil indignationis concipiat, si vob s usquequaque non scribimus ad præsens ut deceret, licet ad vos & honorem nominis vestri sincerum nichilominus habuimus affectum. Condolemus quidem, et compatimur quatinus possumus Majestati vestræ, parati pro viribus offensæ vestræ mederi, et Imperiali Celsitudini subvenire, honoris Ecclesiastici semper integritate servata. Attendentes quidem quantum discrimen immineat negocio crucifixi in odio et discordiæ seminario, quod humani generis inimicus inter Ecclesiam *Romanam* et vos nititur excitare, quantum eciam periculum orbis terrarum exspectare possit ex eodem, sperantes eciam ex parte alia, quod Dominus Papa salubribus Consiliis et precibus nostris et monitis, (utpote qui ei inter cæteros mundi Principes magna et speciali devotione quadam sumus astricti) facilem et favorabilem præbere debeat auditum. Scripsimus eidem cum multo precum et consilii conatu, quatinus humanæ mentis motu domi recluso, ad liberacionem Terræ sanctæ dirigat intuitum interioris hominis et affectum, injuriarum oblivisceus bis diebus quas, alio forte tempore poscente, justicia cogeretur ulcisci, ut eciam vos fine cujus ministerio liberacionem Terræ præfatæ mundus nescit indicare, ad manum suam et Ecclesiæ pacem modis omnibus satagat revocare. Sane quia non nocet admisso subdere calcar equo, currentem decrevimus monere, dum vobis consulimus & facere suademus quod præter consilium nostrum facturi estis eciam non rogati. Consilium igitur nostrum est, ut non contempnentes Ecclesiæ manum quam in personam vestram extendit, relaracionem sententiæ suæ, pietatis instanter nichilominus insistentes proposito, quod pro liberacione patrimonii Jesu Christi a primævo tempore vestro laudabiliter concepistis, quod absit, hoc tempore quo tradidit omnipotens Deus in manibus vestris vires mundi, tepescere videamini a consummacione laboris quem vobis felix fortuna commendavit. Teste ut supra.

This Epistle he seconded with another enrolled in the *Clause Rolls* in the *Tower*.

Clauſ. 12 H. 3. m. 12. dorſo. EXcellentissimo Principi & dilecto sibi in Christo amico *F.* Dei gratia *Romano* Imperatori, *&c. H.* eadem gratia Rex *Angliæ*, *&c.* Ecclesiastica pace gaudere, et de inimicis Crucis Christi triumphum reportare: Literas magnificentiæ vestræ eo quo decuit honore suscepimus, et gratiarum actione gaudentes, si jam transfretassis in obsequium Crucifixi, prout Literæ vestræ continebant. Monemus igitur excellenciam vestram, et exhortamur in Domino, quatinus in illis vos exerceatis operibus solliciti quæ Deo et sacrosanctæ Ecclesiæ cedant ad honorem. Ex affectu enim sincero quem erga vos gerimus desideramus, ut in arrepto itinere sic procedatis, ut Deo et Ecclesiæ reconciliati, gloriam exinde reportetis et honorem. Speramus enim in Domino, quod si inceptis vestris secundum Deum et honorem Ecclesiæ procederitis, multi exemplo strenuitatis vestræ promptiores et paratiores invenientur ad succursum Terræ sanctæ. Teste Rege apud *Westm.* 15 die *Julii.*

Clauſ. 12 H. 3 m. 12. dorſo. DOmino Papæ. Sanctitatis vestræ Literas devocione qua decuit recepimus, continentes narracione brevi defectum succursus Terræ Sanctæ, quem in præsenti sperabatis per ministerium Imperatoris ordinatum fuisse. Sanè dolorem vestrum, quem brevem esse decet, non audivimus sine dolore maximo, cum in salute vestra et Ecclesiæ statu pacifico, regnancium pax consistit et regnorum. Recepimus autem postmodum Literas Imperatoris, qui de multis gravaminibus et injuriis ei, ut dicebat, præter suorum exigenciam meritorum, conquerendo, in eisdem Literis notum fecit nobis, sicut & in aliis regnis publicasse se dicit, quod in medio instantis *Maii* proponit nichilominus transfretare. Literas easdem ostendimus Clerico vestro Magistro *Stephano* tunc præsenti nobiscum: De cujus consilio, Imperatori rescripsimus consulendo, ut a debita vobis et Ecclesiæ devocione nullius temeritatis ausu recedens, similiter obediat et obsequatur, *&c.* Vobis siquidem ut Patri

et

et Domino, cui in totius fidelitatis et obsequii plenitudine adesse volumus et tenemur, consulimus in Domino pro negocio Terræ Sanctæ, cujus liberacionem mundus desiderare debet ardenter, quatinus eundem si cum humilitate debita ad cor reverti voluerit, vestrisque parere mandatis, misericorditer recipere velitis ad pacem. Teste Rege apud *Westm.* 20 die *Febr.* *An.* 12 H. 3.

Tom. 2. p. 432. l. 27. before *How*, insert; The Dean and Chapter of *Imileth* in *Ireland* unanimously elected this *John Colingham* their Chancellor for their Bishop; whom yet the Archbishop refused to confirm and consecrate, because elected without the Kings license and subsequent approbation: Pope *Gregory* the 9th. upon their appeal and complaint issued this Bull to the Archbishops of *Armach* and *Dublin* and the Bishop of *Fern*, to examine the merits of the election and person, and to confirm and consecrate him if canonically elected, and inflict Ecclesiastical censures on the opposers; the original whereof I found in the *White Tower* Chappel.

GREGORIUS Episcopus, servus servorum Dei; venerabilibus fratribus *Armachan.* & *Casselen.* Archiepiscopis, & Episcopo *Fernensi*, salutem & Apostolicam benedictionem. Ex parte dilectorum filiorum, Decani & Capituli *Imilacen.* fuit propositum coram nobis, quod eorum Ecclesia Pastoris solatio destituta, ipsi, ad quos electio Episcopi pertinebat, ad tractandum de futuri substitutione Prælati simul in Capitulo convenerunt: ad quorum vota scrutanda tres assumpti fuerunt de suo Collegio fidedigni, qui, singulorum voluntatibus inquisitis & publicatis, postmodum in communi cum fuisset, habita diligenti collatione repertum, quod omnes in Magistrum *Johannem*, Cancellarium ejusdem Ecclesiæ convenissent, ipsum invocata Spiritus sancti gratia, in suum Episcopum eligerunt. Cumque a te (frater Archiepiscope *Cassalensi*) confirmari electionem suam humiliter supplicassent, tu, sicut exposuisti per literas tuas, licet tam electionis quam electorum et Electi studiis inquisitis et meritis, invenisses electionem de persona idonea canonice celebratam, eam tamen omisisti hactenus confirmare: unde a nobis fuit ex parte prædictorum Decani et Capituli suppliciter postulatum, ut cum viduatis Ecclesiis mora in præficiendo sibi Pastorem consueverit esse damnosa, providere super hoc paterna sollicitudine dignaremur. Quocirca fraternitati vestræ per Apostolica scripta mandamus, quatinus occasione et timore postpositis, de electionis, electorum et Electi meritis inquisitis, si vobis constiterit, de persona idonea canonice celebratam electionem eandem, confirmationis et consecrationis munus impendatis Electo, et ei faciatis, sicut eorum Episcopo, obedientiam et reverentiam exhiberi. Contradictores per censuram Ecclesiasticam, appellatione postposita, compescendo. Quod si non omnes hiis exequendis potueritis interesse, duo vestrum ea nichilominus exequantur. Dat. *Anagniæ*, 6 Non. *Julii*, Pontificatus nostri anno primo. An. 12 H. 3. in Turre Lond.

Whereupon the King appointed *Laurence* of *London* his Proctor to defend the rights of his Crown before these Delegates, against this Bishop, being elected without his precedent License or Royal assent.

In the Fragments of *Placita Assisarum Term. S.* Mich. *anno* 12 H. 3. *Rot.* 13. *dorso*, (extant in the *Tower* of *London*) before the Justices Itinerant, I met with this memorable Attachment for suing in Court Christian for all the Tithes belonging to a Chappel, and by consequence for the Advouson it self; the first of this Kind I have observed.

Magister Ricardus de Eseburn *attachiatus fuit ad respondendum* Johanni de Sancto Georgio, quare secutus est placitum in Curia Christianitatis contra prohibitionem Domini Regis, de advocatione Capellæ ipsius Johannis de Tudeham; *unde idem* Johannes *dicit*, *quod antecessores sui fuerunt in seisina de advocatione ipsius Capellæ per* 100 *annos, & semper præsentaverunt ad eandem Capellanum. Et præd. dus* Ricardus *exigit ab eo* omnes decimas ad eandem Capellam spectantes, et ita * indirecte et advocationem, quia si amitteret decimas illas, ita per consequens amitteret advocationem illius Capellæ.

* The ground of the Writ of Indicavit, in like cases, Register, f 35, 36. Fitz. Nat. Brev. 44, 45.

Et Ricardus *venit & dicit*, *quod de nulla advocatione trahit eum in placitum*, sed revera Capella illa sita est infra Parochiam suam, et Ecclesia sua semper habuit tertiam partem decimarum de garbis, et minutas decimas. Ita quod antecessores ipsius *Johannis* dederunt suas partes illarum decimarum quibusdam Monachis qui illas diu tenuerunt; et postea concesserunt cuidam Capellano decimas illas, qui illas decimas diu tenuit et nunc clamat in Capella, unde Episcopus loci sequestravit decimas illas in manum suam et tenet illas. Et prædictus Johannes scripsit tenuit illas

An. 12 H 3. illas in manu sua sine servicio quod faceret Capellæ illi. Et unde idem Ricardus petit illas sicut de aliis parochianis suis, et non aliomodo, &c.

Postea convenit inter eos, quod si prædictus Johannes *habeat ibi Capellanum* qui Capellæ illi deserviat. libenter concedit idem Capellano decimas illas percipiendas; alioquin non concedit, quod decimæ remanerent in manu laicali.

By which Record and Plea it is evident: First, That owners of Lands originally, as well as our Kings, did by their Charters give their Tithes to what persons or Churches they pleased, as all the *Chartæ Antiquæ*, and * Mr. *Selden's* History of Tithes abundantly evidence. 2ly. That they might lawfully give their Tithes to a Chappel, to maintain a Chaplain to do Divine Services therein; which gifts were admitted good in Law against the Parson of the Parish Church within which the Chappel was situated. 3ly. That the Bishop sequestred the Tithes belonging to the Chappel; that the Parson of the Parish claimed them, whiles there was no Chaplain to officiate in it; and that the Patron could not justly detain them in his own hands, during the vacancy of a Chaplain.

* Chap. 11, 12.

The Kings Tenants *in Capite*, and others alienating some of their Tenements to religious Houses without his special License, and others of them removing from their Tenements held of the King to the Lands held of Monasteries, to his prejudice; he thereupon issued Proclamations to all Sheriffs, to prohibit such Alienations and Removals; and to inquire of all offences of this kinde, before the Statute of *Mortmain*.

Clauſ 12. H. 3. m. 12 dorſo.

REX Vic. *Kanc.* salutem. Præcipimus tibi, quod statim visis Literis illis per totam Ballivam tuam clamari facias, quod nullus qui de nobis tenet in Capite in Balliva tua, et Dominicis nostris, sicut corpus et tenementum suum diligit, aliquid de tenemento suo conferat, vel vendat, vel aliquo alio modo alienet alicui Domui religiosæ, vel aliquibus personis Ecclesiasticis sine licentia nostra. Firmiter etiam prohibeas quod nullus de nobis tenens in Capite, sive miles, sive liber homo, sive alius se transferat a terra quam de nobis tenet, ad terram alicujus domus religionis vel personæ Ecclesiasticæ ad manendum super eam, per quod simus perdentes in serviciis, tallagiis, vel aliquibus aliis modis ad nos pertinentibus. Diligenter etiam inquiras per sacramentum proborum et leg. hominum Com. tui, qui de hominibus nostris de nobis tenentibus in capite Dominicis nostris, sicut provisum est, dederint, vel vendiderint, vel alio modo alienaverint aliquid de tenementis suis, et quibus viris Religiosis vel Ecclesiasticis personis ea alienata fuerint, et a quo tempore, et quantum singula illa tenementa alienata valeant. Et inquisitionem inde factam, &c. nobis mittas, et has Literas. Teste Rege apud *Westm.* primo die *Febr.*

* See Godwins Catalogue, p. 516.

The * King consenting to the Election of *Richard Poor* Bishop of *Salisbury* to the Church of *Durham*, after his refusal of him they first elected; he thereupon issued these Writs concerning the restitution of the Temporalties of *Durham*, (excepting two Castles) and of the *Corn* he had sown on his Temporalties of *Salisbury*.

Clauſ. 12 H. 3. m. 5.

DOminus Rex ordinacioni, scil. de ven. Patre *R.* quondam *Sarr.* Episcopo in Episcopum *Dunholm.* assensum Regium præbuit et favorem. Et mandatum est Magistro *Stephano de Lucy*, quod Castris de *Norham.* & de *Dunholm.* in manu Domini Regis retentis, Ballivis ipsius Episcopi seisinam habere faciat; Apposita etiam salva custodia in eisdem Castris, ad nos sine dilacione veniatis nobiscum locuturi. Teste Rege apud *Westm.* 22 die *Julii.*

Et mandatum est Vic. *Wiltes*, quod Magistro *Elyæ de Derham*, & *Reginaldo de Kanc.* quibus Dominus Rex Episcopatum *Sarr.* vacantem commisit custodiendum quamdiu Domino Regi placuerit, in hiis quæ ad prædictum Episcopatum pertinent ista vice in nullo se intromittant. Teste ut supra.

Eodem modo scribitur Vic. *Surr. Dorset. Glouc. Berk.*

Et mandatum est prædicto *Reginaldo de Kanc.* quod prædictus *R.* Episcopatui custodiendo una cum prædicto Magistro *Elya* diligenter intendat. Ita quod cum Episcopus *Dunholm.* in partes *Sarr.* veniat sacramentum præstet coram eo de prædicto Episcopatu custodiendo. fideliter, sicut prædictum est.

Dominus Rex concessit rev. pat. *R.* quondam *Sarr.* Episcopo, nunc *Dunelm.* omnia blada instantis autumpni quæ sunt in Dominicis Episcopatus *Sarrum*, quæ quidem blada idem Episcopus seminari fecit in eisdem Dominicis. Ita quod idem Episcopus blada sua colligi faciat per occupationes & consuetudines debitas maneriorum ejusdem Episcopatus; Retentis autem de eisdem bladis semine ad prædicta Dominica seminanda, et liberacionibus servientum quantum necesse fuerit.

Et

Et mandatum eſt Magiſtro *Elyæ de Derham*, & *Reginaldo de Rancia*, quod eidem Epiſcopo blada prædicta habere faciant, ſicut prædictum eſt. Teſte ut ſupra. *An.* 12 H. 3.

Tom. 2. p. 421. l. 48. adde.

ET mandatum eſt Vic. *Northumbr.* quod occaſione vacationis illius Eccleſiæ manum ad eam non mittat, nec in aliquo ſe intromittat, quia Dominus Rex nolens venire contra factum prædeceſſorum ſuorum, mandavit *Eborum* Archiepiſcopo, ut ſupra continetur. Clauſ. 12 H. 3. m. 14.

The King this year iſſued this Writ to the Committees of the Temporalties of the Archbiſhoprick of *Canterbury* to deliver all the Goods of Archbiſhop *Stephen Langeton* to his Executors to perform his Will, and to enquire and certifie what Stock he received, and how to diſpoſe of the Corn then growing.

REX *Bertramo de Cryoil.* & *Alano Pomant.* ſalutem. Mandamus vobis, quod omnia blada de anno præterito quæ fuerunt *S.* quondam *Cantuar.* Archiepiſcopi in maneriis Archiepiſcopatus, & omnia Catalla tam in Animalibus quam in Inſtauris, & aliis, quæ fuerunt ejuſdem Archiepiſcopi, habere faciatis ven. P. *A. Coventr.* & *H. Roff.* Epiſcopis, Magiſtro *Simoni de Langeton* Archidiacono *Cantuar.* Magiſtro *Th. de Freckenham*, & Magiſtro *Elyæ de Derham*, Executoribus Teſtamenti ipſius Archiepiſcopi, ad executionem ejuſdem Teſtamenti libere faciendam. Et ſi quid inde amotum fuerit vel diſtractum, id venire et eiſdem Executoribus reddi faciatis. Blada verò inſtantis autumpni de terris quæ fuerunt ipſius Archiepiſcopi, per ſervientes qui fuerunt apud ſingula maneria tempore prædicti Archiepiſcopi, per operationes & conſuetudines debitas hominum de eiſdem maneriis, & ad cuſtum de eodem blado faciend. colligi faciatis, accepto ab eiſdem ſervientibus Sacramento, quod ſine vaſto et diſtractione blada illa ſub vobis fideliter colligent, et ſalvo cuſtodient: Et ſi videatur Executoribus prædictis quod aliqui de prædictis ſervientibus minus idonei fuerint ad prædicta utiliter facienda, & Executores ipſi alios loco eorum quos viderint magis idoneos vobis præſentaverint, illos ad prædicta facienda recipiatis, accepto ab eis ſimili Sacramento, quod ſicut et alii blada prædicta ſub vobis colligent et ſalvo cuſtodient. Diligenter etiam inquiri faciatis per ſacramentum proborum et legalium hominum de ſingulis maneriis per quos rei veritas melius inquiri poteſt, * quantum inſtauri ut in bobus, vaccis, equis, et aliis, idem Archiepiſcopus recepit tempore quo Archiepiſcopatum prædictum recepit. Et inquiſitionem inde factam diſtinctè & apertè in ſcriptum redactam nobis ſcire faciatis apud *Weſtm.* ad Scaccarium noſtrum à feſto Sancti *Michael.* in unum menſem. Teſte Rege apud *Weſtmonaſt.* 22 die *Julii.* Clauſ. 12 H. 3. m. 5. dorſo,

* His Executors being obliged to leave, or make good as much.

Tom. 2. p. 423. l. 28. after *evidenced*, adde: I find this Writ iſſued to certain Commiſſioners to take, examine and certifie the Archbiſhop of *Dublin*'s account concerning the monies raiſed out of the vacant Biſhopricks in *Ireland* granted to him, and concerning the remainder of the debts due to him.

MAndatum eſt *J. Fernenſi* Epiſcopo, & *R. de Burgo* Juſtic. *Hiberniæ*, & *G. de Thurevill* Archid. *Dublin.* quod audiant compotum *H. Dublin.* Archiepiſcopi, de Archiepiſcopatibus et Epiſcopatibus vacantibus, et terris, et firmis, et redditibus qui extiterunt in manu ſua ad percipiendum fructus inde provenientes, in parte ſolutionis debitorum quæ Dominus Rex eidem Archiepiſcopo debet, et compoto illo diligenter audito fructus quos idem Archiepiſcopus inde recepit, et L. libr. quas Domino Regi conceſſit pro quintadecima ſua de Dominicis ſuis, in debito prædicto in quo Dominus Rex ei tenetur, eidem Regi faciant allocari. Ita quod Dominum Regem certificare poſſint de quanto ipſum ſe Dominus Rex verſus ipſum Archiepiſcopum acquietaverit, et quantum reſtet de prædicto debito ſolvendo. Teſte Rege apud *Weſtm.* 10 die *Maii.* Clauſ. 12. H. 3. m. 8;

What other Rents he had granted him in *Ireland* toward the ſatisfaction of his Debts, and how they grew due by his ſervices for King *John* in the Court of *Rome*, and as his own Chief Juſtice in *Ireland*, this Record will inform us.

REX eidem *Ricardo.* Sciatis, quod in ſolutione debiti quod debemus venerabili patri *H. Dublin.* Archiepiſcopo, pro mutuo quod fecit pro Domino *J.* Rege patre noſtro per præceptum ſuum, et pro expenſis ſuis factis per ipſum Archiepiſcopum in Curia *Romana* pro negotio ipſius patris noſtri expediendis, et pro expenſis quas idem Archiepiſcopus fecit in ſervitio noſtro in *Hibern.* dum ultimo fuit Juſtic. noſter *Hibern.* aſſignavimus eidem Archiepiſcopo Centum libras de firma Civitatis noſtræ de *Limerik*, recipiendas ad duos terminos, videlicet ad feſtum Sancti *Michaelis* Clauſ. 12. H. 3. m. 8. Hibern. pro Archiep. Dublin.

An. 12 & 13 Hen. 3. *chaelis* quinquaginta libras, & ad *Paschæ* quinquaginta libras. Assignavimus etiam eidem Archiepisc. in solutione ejusdem debiti, quinquaginta marcas per annum percipiend. de firma Civitatis nostræ *Dublin.* sicut plenius continetur in nostris patentibus quas inde fieri fecimus. Et ideo vobis mandamus, quod prædictas centum libras de firma prædictæ Civitatis *Limerik*, & prædictas quinquaginta marcas de firma Civitatis nostræ *Dublin.* eidem Archiepiscopo recipere permittatis, quousque prædictum debitum ei persolvatur. Teste ut supra.

What Pension the Bishop of *Fern* received from the King in *Ireland* for his Service, is thus recorded in the same Roll.

Ibidem, Hib. pro Episcopo Fern. REX dilecto & fideli suo *Ricardo de Burgo* Justic. suo *Hibern.* salutem. Sciatis quod loco quadraginta librarum quas venerabilis pater *J. Fernensis* Episcopus percipere solebat singulis annis per præceptum nostrum de manerio nostro de *Novo Castello* de *Lenan.* ad se sustentandum in servitio nostro, concessimus eidem Episcopo, quod recipiat de cætero ad Scaccarium nostrum *Dublin.* singulis annis ad se sustentandum in servitio nostro 40 libras, videlicet ad Scaccarium Sancti *Michaelis* 20 libras, & ad Scaccarium *Paschæ* 20 libras. Ita tamen quod habeat blada sua ejusdem manerii de hoc autumpno anno regni nostri 12. Et ideo vobis mandamus, quod ex quo prædicta blada fuerint collecta, manerium illud in manum nostram capias, & de consilio ipsius Episcopi, & aliorum fidelium nostrorum ad commodum nostrum salvo custodiri faciatis, computatis eidem Episcopo rationabilibus & necessariis expensis quas posuit in emendatione domorum ejusdem manerii. Teste meipso apud *Westm.* 8 die *Maii*, anno, *&c.* 12.

The Bishoprick of *Imelic* in *Ireland* becoming voyd, the King granted the custody thereof by this Patent to *Ralph* of *Norwich* his Clerk.

Ibid. m. 9. Hibern. De Episcopatu Imelic. REX *Ric. de Burgo* Justic. suo *Hibern.* salutem. Sciatis quod commisimus dilecto & fideli Clerico suo *Rad. de Norwic.* Episcopatum *Imelicen.* vacantem custodiendum quamdiu nobis placuerit. Et ideo vobis mandamus, quod eidem *Rad.* vel certo nuncio suo has literas deferenti de omnibus quæ ad prædictum Episcopatum pertinent, plenam seisinam habere faciatis, in eodem statu quo fuit die quo *H.* quondam *Imelicensis* Episcopus obiit. Teste meipso apud *Westm.* 26 die *Aprilis*, anno regni nostri 12.

* See Tom. 2. p. 373, 374, 381, 382. The first * union of the Bishoprick of *Lismore* to the Bishoprick of *Waterford* in *Ireland*, made by the Popes Legate about the third Year of *H.* 3. being adjudged voyd by the Popes Delegates; the King upon the next avoidance of the Bishoprick of *Lismore*, by his Letters Patents, re-united it to *Waterford*, by reason of the poverty of both Bishopricks, the Bishops being inforced to beg and live out of their Dioceſſe; which union he desired the Pope to ratifie, (though valid in Law without him) by this Epistle endorsed on the *Clause-Roll* of 12 *H.* 3.

Claus. 12 H 3. m. 5. dorso. REverendo Domino & Patri in Christo sanctissimo *G.* Dei gratia summo Pontifici *H* eandem gratia Rex *Angliæ*, *&c.* salutem & debitam tanto Patri reverentiam. Quia redditus et possessiones tam *Waterford.* quam *Lissemor.* Episcopatus adeo tenues sunt et exiles, quod propter utriusque paupertatem coguntur Episcopi eorum necessitate compulsi extra Provinciam suam necessaria mendicare, quod quidem indecens nobis valde videtur et inhonestum, quod hujusmodi personæ tantæ subjaceant egestati: cupientes egestati, necessitati et insufficientiæ utriusque prospicere quantum in nobis est, concedere duximus, et assensum nostrum præbere, quod supradictus *Lissemorensis* Episcopatus jam Pastore vacans, dummodo sanctitati Sedis Apostolicæ placeat, uniatur *Waterfordensi*, ut sic uniti pocius sufficiant ad officium Pastorale decenter exequendum, quam si divisi remaneant ambos mendicare faciant et egere. Rogamus igitur Sanctitatem vestram eo quo possumus affectu, intuitu pietatis et nostræ petitionis interventu, paterna provisione necessitatem istam respicere, et quod unio ista fiat, assensum velitis et Apostolicæ Sedis favorem clementer impertiri, precibus nostris aures pietatis vestræ et mansuetudinis inclinantes, quod pro gratiarum actionibus specialiter referendis paternitati vestræ debeamus inclinari. Teste meipso apud *Westm.* 17 die *Julii*.

An. 13 H. 3. Tom. 2. p. 423. l. 47. after *Februarii*, insert: What Soveraign Ecclesiastical Jurisdiction King *Henry* the 3d. exercised this year in demolishing the Church of Saint *Peters* in *Chicester*, having but two Parishioners, unable to repair it, and uniting it for the future to the Hospital of St. *Maries* near that Church, upon the Bishop of *Chicesters* petition, this memorable Patent will demonstrate.

REX

REX omnibus hoc ſcriptum audituris vel inſpecturis, ſalutem. Sciatis quod cum Eccleſia S. *Petri* in foro *Ciceſtrenſi*, quæ de noſtra fuit donatione, ita tenuis eſſet in redditibus & proventibus, quod ad eam non ſpectarent niſi duo parochiani, ſet nec redditus alii ſeu proventus qui ſufficere poſſent ad ipſius Eccleſiæ reparationem & conſervationem, & miniſtris etiam in ea deſerviturís; Nos ad inſtantiam venerabilis patris *Radulfi Ciceſtrenſis* Epiſcopi, & Cancellarii noſtri, conceſſiſſe, quod eadem Eccleſia demoliatur, et prædicti duo parochiani qui ſpectabant ad ipſam, aſſignentur imperpetuum Hoſpitali Sanctæ *Mariæ*, quod eidem Eccleſiæ eſt vicinum, ut ibi deinceps percipiant ſpiritualia et ſint parochiani ejuſdem Hoſpitalis. Conceſſimus inſuper eidem Hoſpitali aream in qua ſita eſt eadem Eccleſia, ut liberè & quietè eidem dono noſtro remaneat imperpetuum, in liberam, puram & perpetuam eleemoſynam. In cujus rei teſtimonium has literas noſtras patentes fieri fecimus. Dat. per manum noſtram apud *Weſtm.* 4 die *Maii*, anno r. n. 13.

An. 13 & 15 Hen. 3.

Pat. 13 H. 3. m. 7. n. 6.

Pope *Gregory* the 9th. to induce King *Henry* to conſent to a Diſme intended to be impoſed by him towards the relief of the *Holy Land*, ſent this Bull of Credence to him by *Gerard de Grandiſon* his Chaplain, imployed by him to ſolicit this buſineſs, and the affairs of his Brother *Edmund*; the Original whereof I diſcovered in the *White Tower*.

GREGORIUS Epiſcopus, *&c.* Chariſſimo in Chriſto filio *H.* Regi *Angliæ* illuſtri, ſalutem & Apoſtolicam benedictionem. Licet ex geſtis præteritis ad Terræ Sanctæ liberationem ferventem Zelum te habere monſtraveris; Rogamus tamen ſerenitatem Regiam attentius & hortamur, quatinus attendens quod de ipſius finali ſubſidio et liberatione jam apparent probabiles conjecturæ, ſuper hoc commendatam habeas cauſam Chriſti, his, quæ dilectus filius *Gerardus de Grandiſono* (Capellanus noſter) ad tuam præſentiam veniens, ſuper hoc & negotio dilecti filii, Nobilis viri *Edmundi* fratris tui, ex parte noſtra tibi dixerit, fidem non dubiam adhibendo. Datum *Lugduni* 10 Kal. *Auguſti*, Pontificatus noſtri anno tercio. In dorſo, *Illuſtri Regi Angliæ.*

Bundela Literarum & Brevium, An. 13. H. 3. in Turri London.

In a Bundle of Letters and Writs *An.* 13 H. 3. I found this imperfect Letter relating to the former affair, from the Archdeacon of *Surrey*, whom the Pope refuſed to imploy therein to his great grief.

AU treſhaut et treſpuiſſant ——— myſires Count ——— treſnobles Roy *Dengleterre*, freres bona cordnenne digne Arcedecne de *Sur.* ſalut et reverance comme a ſon eſpecial Seigneur. Sachiez ſire voſtre hauteice, que qant je fui appareilliez por venir a voſtre queronemant, homme fiſt autandant, et furent parſones bu. procheine ——— que le je leſſaſſe aucetans qu la Terre Sancte, eſt auſi grant que legliſe en *Angleterre*. Noſtre ſire le Pape euſt male conſcience de moi, por quoi ſire je ——— et noſtre Seignour le Pape ſomneatre a graunt anguiſſe de mer ——— apareille toz jors de fere voz commandemanz comme de meilour Seigneur ——— ſachiez ſire que ſus ce ave comis a Maſtre *Girart de Grantiſon*, —— le porteur de ces lettres qui me doient eſculer, car ——— vos pri ſire que la poure ygliſe deſire, et voſtre Clers, et voſtre ſervant layeneſque vos ſoient recomandez, car je face ce qe il ne ſoit mye preſent le jor de voſtre Coronement corporelment, il iſſera eſpirituel noſtre Seigneur qe celle ſainte a ceo, qe vous entendu vorra eſtre plus annes noſtre Seigneur me deine au cele ——— dignite qe je puiſſe veeir ſa, *&c.*

In Turri London.

Tom. 2. p. 429. l. 36. after *voluntati*, adde: It ſeems the Prelates at laſt granted the King after many delayes, 40 *s.* out of every Knights Fee they held of him, but upon theſe two conditions. 1. That they ſhould receive the like ſumm of 40 *s.* for every Knights Fee held of them; amounting to as much, as then they granted to the King. 2ly. That it ſhould not be drawn into conſequence for the future to their prejudice, or the Kings advantage; as this Record atteſts.

An. 15 H. 3.

REX omnibus, *&c.* ſalutem. Cum peteremus à Prælatis *Angliæ*, quod nobis auxilium facerent pro magna neceſſitate noſtra, de qua eis conſtabat; videlicet Epiſcopis, Abbatiſſis, Prioribus & Prioriſſis, qui de nobis tenent in capite, ipſi nobis liberaliter conceſſerunt auxilium tale; ſcilicet, de ſingulis feodis Militum ſuorum quadraginta ſolidos, de tot feodis de quot ipſi tenentur nobis reſpondere, quando faciunt nobis ſervitium militare; et nos conceſſimus eiſdem Prælatis, quod ad prædictum auxilium nobis faciendum, habeant de ſingulis feodis Militum quæ de eis tenentur 40 ſol. Nos igitur nolentes, quod ex hac eorum conceſſione nobis facta

Pat. 15 H. 3. m. 3 intus.

An. 15 & 16 Hen. 3. facta de mera liberalitate sua, et non alia ratione, Ecclesiis suis, vel eis, vel eorum successoribus possit præjudicium aliquod generari, vel Ecclesiasticæ libertati in aliquo derogari; per has literas nostras patentes hoc duximus protestandum. Volumus etiam quod propter hanc concessionem nostram quam fecimus, aliquid nobis vel hæredibus nostris accrescat vel decrescat. In cujus, *&c.* Teste Rege apud *Westm.* 15 die *Aprilis*, anno regni nostri 15.

Has literas habent singuli Prælati, tam Episcopi quam Abbates, Priores, Abbatissæ et Prioritissæ.

An. 16 H. 3. Tom. 2. p. 437. l. 5. after *Usury*, insert: This very Original, over-sharp, insolent and carping Letter of Pope *Gregory* then writ to King *Henry* about the spoyling of the *Romans* goods, and threshing out their Corn in all places, which extremely incensed the Pope, mentioned by *Mat. Paris*, I discovered in the *White Tower*, defaced and illegible in some lines; the Fragments whereof I shall here present you with, (with some conjectural *supplements* in a *Parenthesis*) being very elegant.

An. 16 H. 3. in Turri London. GREGORIUS Episcopus, servus servorum Dei, charissimo in Christo filio illustri Regi *Angliæ*, salutem & Apostolicam benedictionem. (*Si Majestas tua*) detractiones et odia, suggillationes et gravamina quæ pro te ac prædecessoribus tuis Ecclesia *Romana* vestris temporibus et antiquis sustinuit, nec non et beneficia quæ diversis temporibus tibi et regno tuo contulit, animadverteret, —— et cellulæ commendata memoriæ in animo suo sæpius recensita revolveret, et nobis non esset —— querelæ materia, et locum ingratitudinis vitium non haberet. Sanè omissis aliis quæ præterito tempore acciderent, quod longum esset numerare, & difficile revolutis regestis per singula recitare, cujus instinctu potest Regalis serenitas oblivioni mandasse; qualiter tempore fælicis memoriæ *J.* Papæ prædecessoris nostræ nobis tunc in minori officio constitutis, gratum negocium Legati utiliter procuravi; prædictum regnum (jura) regni, honorem *J.* patris tui, et personam tuam a servitute perpetua; et non a qualiquali adversario, vel verius adversariis regni alieni, sicut etiam domesticis *Romana* Ecclesia liberavit. Quæ memoria quanquam labili maxime et in proprio negotio non teneret, qualiter exhæredationis tui et regni tui liberatione obsesso; Ecclesia tandem spiritualiter et temporaliter partes suas constanter (agens,) cum vestra gente virtutem obsidentem (fregit) manus obsessi (roboravit) cum —— et —— patris —— (defuncto) patre tuo quasi jure testamentario adoptatum in filium matris Ecclesiæ, tutelæ officium quod in te (susceperat) —— præsidentes, in ipso te ac regnum tuum confovendo, per —— credendum est te, quod pater lippis & tonsoribus, si de nostris temporibus agitur. Præterea; quod in minori officio constituti sententiam cum effectu exhibere curavimus —— in honoris regni tui, statum Apostolicæ sedis —— contulimus, quæ referre per singula —— —— beneficiorum tuorum, quod non credimus vos f —— oblivio —— ——(nos) pro certo tenere credimus, (vos) à primordio tibi & fidelibus tuis favorabiliter astitisse, non solum ab hiis quæ —— tranquillitati —— ex omni parte regni tui potentiam inducere —— nec tantum tutelæ officium —— confoventis, tempore nostro nos gessisse meminimus; sed te jam ætate provectum (restituimus) privilegia (regni) —— in integrum, quasi præscriptione temporis relegata, in omnibus quæ Regis et regni contingerint honorem studiose —— subveniendo, —— sæpius in gratiam convertendo. Hiis etiam diebus nostræ tibi non defuit gratiæ plenitudo —— consilia —— —— quorundam Principum & potentum verbum pro te nemine faciente, quædam caute distulimus, quæ progressus tuos —— impedirent; ut autem provisus reddaris et cautus, scire te volumus, quod à tam —— —— Ecclesiæ postulans gratiam non novam, concessam pluribus, nec juri contrariam, quod si fuisset, ad sacram exauditionem —— —— fuisset oblita, nequaquam cordis imperio oculus innuisset, manus cessasset, —— —— continuationis —— operum nova temeritas detexisset; præsertim ubi timore pœnæ amor justitiæ superatur. Nec apud —— quod adeo tenerrime in te ubera matris extendimus, quod verbera patris omisimus; sperantes —— —— acerbitate timeri. Sed quod dolentes referimus, et non sine amaritudine cordis recolimus, risus in luctum ac gemitum convertitur, pro pane lapis, pro ovo scorpio, pro melle absinthium præparatur. Eja! ——

nec

nec non reformatione Ecclesiasticæ honestatis, et corrigendis excessibus transgressorum literas Apostolicas in terra *Angliæ* per* Cur. sicut et per alia mundi regna transmissus, quod obedientia ipsa demeruit; ut a vassallis tuis (Nuncio nostro) non sine timore Dei (comparato) et inhumaniter in frusta conciso, et altero semivivo relicto, literis etiam dissipatis, Bulla nostra conculcatur, (quæ) exaltationi continua apud Reges et Principes per diversas secli regiones transmissa toticus peroravit. Si (vero) patri in terra filii, si tutori in terra pupilli, si Domino et bene merito in terra vassalli securitas viæ præcluditur, ubi Bullæ nostræ locus tucior requiretur? in cujus ——— Reddite *Cæsaris Cæsari*, et quæ sunt Dei Deo, Ecclesiæ *Romanæ*, vel verius Jesu Christo filio Dei vivi, ejusque in terris vicario ministrante — (Vassalli cui) manus in Clericos violentas, —tam *Italicos* quam etiam, ut fertur, *Anglicanos* (injecerunt;) alios obsederunt, alios diversis afficientes suppliciis, (& eorum) agentes, bonis omnibus spoliarunt; adeo debacchantes in Clero, quod jam quasi *Neronis* nequitia ———

An. 16 H 3.

* Cursores.

ad —— quorundam Prælatorum ad hæc Regalis sensit authoritas, ut sub favoris specie facilius trahent quos odiunt ad ruinam (quod tantùm) perturbati animi motum exagerit, quantum dilatio vindictæ conturbat. Quare ——— sperare poterimus ne ab illis quos in omni genere debiti nostri esse tenentur, tantæ crudelitatis subtricetur immanitas, et Ecclesiasticæ libertatis cultus ——— conculcatur. Veruntamen apud nos pro honore tuo, nec non et nostro saltem, qualis qualis excusationis (causæ) comparuissent ——— observentur et ——— utcunque tanti sceleris satisfactione congrua præcedente, Deo et universali Ecclesiæ, nec non et nobis illatam injuriam palliarent; immo quod gravius reputamus culpam forte (aliorum) ex dilatione vindictæ refudisse videris in tuam, dum scrupulum conniventiæ non —— obviasti, —— per satisfactionis celeritatem in suo errore quasi confovendo perversos, præcedentem negligentiam (nondum) expiasti; ex quibus contingit quod via pacis æmulis locus se offert (discordiæ;) inimici regni et Regis insultant in nobis læto animo, quasi digito scribentes porrecto, ecce Rex *Angliæ*, filius devotus matris suæ! ecce pupilli devotio! ecce vassalli fideles! ecce reverentia filialis! ecce beneficiorum condigna retributio perceptorum! ecce quomodo amabat eundem! Hiis & similibus auribus nostris sæpius inculcatis, Vide fili, vide et considera si dolore nostro dolor non succedit; dum nostris tuisque temporibus Ecclesia *Romana* (quondam Domina, nunc) ancillata, pro grano paleam, pro uva labruscam, pro rosa spinas, pro ficu tribulos, pro beneficiis ingratitudinem, pro devotione irreverentiam, pro subjectione inobedientiam, pro lucro dampnum, pro libertate servitutem, pro honore opprobrium sub quodam novo quasi marito (colligit & patitur.) Accelleret igitur Regalis excellentiæ providentia, et præteritam negligentiam redimens per diligentiam subsequentem malefactores ipsos ad restitutionem plenariam de subtractis et — (aliis) aliquando offensis ——— tradita sibi potestate compellat ——— facinoris pololatriam animum Regium viriliter et prudenter exerceris; Creatoris injuriam, Ecclesiæ *Romanæ* ac nostram ignominiam, tuum et regni tui opprobrium —— Deo (& Ministris ejus) expiaris —— quod exemplo *Moysi*, fide grandis effectus, cinctusque gladio super femur, contra ipsos pololatras a porta in portam discurrens cum clavo signatis exceptis; ex animo tanquam filius Ecclesiæ libere officium Regalis magnanimitatis ——— cum nostra et Apostolicæ sedis reverentia pro populo ad Dominum intercedas: alioquin, quantumcumque personam tuam sinceris affectibus diligamus, et ad regni tui exaltationem et gratiam quantum cum Deo fieri potest sine juris injuria procurare —— remaneret forsitan impunita —— (& ne) posteris in exemplum ad vindictam malefactorum laudem vero, ——— bonorum illud licet inviti cogitare (cogamur) quod ex præmissis injuriis, et Bullæ (conculcatione) ——— resurget, et ubicunque injuriose delata fuerit, injuriatorum acerbitas gloriose quid referre valeat posteritas vestrum ad honorem et nostrum, vindictæ qualitas indicabit. Inquisitionis ——— nobilis ——— justitiamque, & ad denunciationem totiens nobis factam, quam de jure ulterius obaudire non licuit, Regalem constantiam ——— aliquatenus debuisset cum ipsum, quem sincera diligimus in Domino caritate, utpote cujus fidei & ——— *Stephano* Capellano nostro referentibus in multis sumus experti, ejusque negotia disponamus, quantum cum Deo possumus, sine juris injuria promovere. Datum. *Spolet.* 7 Idus *Junii*, Pontificatus nostri anno sexto.

An. 17 H. 3. Tom. 2. p. 439. l. 35. after *Crown*, adde: That the principal cause of *Hubert de Burgo* his prosecution, was his connivance at, and not punishing the plunderers of the *Roman* and *Italian* Clerks preferred by the Popes provisions in *England*, what proceedings were thereupon had, and Judgements given against him for it, not extant in our Historians, this memorable Record will inform us.

Pat. 17 H. 3. dorso. m. 1. NOtum sit omnibus Christi fidelibus, quod cum Dominus *Henricus* Rex *Angliæ*, mandatum Domini Papæ suscepisset super transgressionibus Ecclesiæ *Romanæ* et Clericis *Italicis* et aliis in Regno *Angliæ* contra pacem suam illatis corrigendis, idem Dominus Rex hoc sicut decuit emendando a pluribus sibi dignis didicisset, quod per *Hubertum de Burgo* quondam Justiciarium *Angliæ*, videlicet tempore prædictæ transgressionis, factæ fuerunt transgressiones illæ. Et Dominus Rex volens hoc emendare, misit quosdam de suis ut corpus suum arrestarent, et coram eo adducerent respondurum de transgressione illa et aliis transgressionibus, et præsertim de transgressione illa. Qui *Hubertus* inde præmunitus fugit in quandam Capellam, à qua ipsum sequentes, licet hoc eis non esset injunctum, timentes Dominum Regem, extraxerunt, & *Londonium* adduxerunt. Quod cum Dominus Rex audivisset, ut libertas Ecclesiæ in omnibus observaretur illæsa, ipsum ab eandem Capellam reduci præcepit, et in eodem salvo reponi. In qua cum per dies plures moram fecisset, requisitus, *utrum vellet tenere se in Capella illa, vel exire, & stare judicio terræ Domini Regis super transgressione prædicta, & super aliis quæ ei ibidem objicerentur, tam à Domino Rege, quam à pluribus aliis de eo multis modis conquerentibus*; Tandem sponte elegit, quod exire voluit ad standum juri. Tamen peciit misericordiam Domini Regis, & sic exivit, & Ballivi Domini Regis qui tunc præsentes erant ipsum receperunt, & *Londonias* duxerunt, & tradiderunt eum Constabulario Turris. Et cum Dominus Rex adhuc esset incertus, utrum spontanea voluntate an coactus exivisset, misit ad eum Nobiles viros Dominum *S. de Sedgrave* tunc Justiciarium *Angliæ*, *J. de Lascy*, Comitem *Lincolniæ*, & Constabularium *Cestriæ*, *B. de Insula*, & alios viros idoneos Clericos & Laicos. Quibus ad ipsum venientibus & ipsum inde alloquentibus, Respondit, *quod gratis exiverat, & non coactus, nec pro aliquo defectu victualium, & tali modo exivit ad faciendum voluntatem Domini Regis de terris suis & catallis, & de corpore suo, & pigebat eum quod tam diu moram ibidem fecerat.* Postea verò cum Dominus Rex nichil adhuc ei inde concederet, eo quòd multi de eo de novo conquesti fuerunt, tam de morte hominum quàm de multis per eum injustè exhæredatis, & aliis pluribus criminibus & transgressionibus, volens de eo conquerentibus justiciam exhibere, præcepit eum deliberari à custodia prædicti Constabularii, ut liberè venire posset ad Curiam suam, conquerentibus de eo tam Domino Regi pro transgressione contra Dominum Papam, quam contra seipsum et omnibus aliis respondurus; & sic venit apud *Cornhull* in *Londoniis* Vigilia Sancti *Martini*, & comparuit coram Dominis R. Comite *Cornubiæ* & *Pictaviæ*, *W.* Comite *Warenn.* *R. Marescallo* Comite *Pembrock*, *J.* Comite *Lancastriæ*, & Constabulario *Cestriæ*, *S. de Sedgrave* Justiciario, *Radulpho* filio *Nicholai*, & aliis fidelibus Domini Regis, tam de corpore quàm de terris & omnibus aliis rebus. Tandem Dominus Rex pietate motus, ad instantiam Magnatum *Angliæ*, & ad peticionem ipsius *Huberti*, & suorum parentum & amicorum, & similiter de permissione conquerentium, Judicium posuit in respectum, licet Judicium jam in eadem Curia Domini Regis formatum esset: per quod ipse & sui attendentes corporis sui periculum imminere, & exhæredationem hæredum suorum, spontanea voluntate concessit provisionem subscriptam; scilicet, *Quod omnes terræ & omnia tenementa & libertates in omnibus rebus quæ tenuit de Domino Rege in capite, & de Domino J. Rege patre suo, remaneant Domino Regi quietè, imperpetuum, & hæredibus suis, tam de Wardis, Ballivis, quàm de aliis rebus, & omnes cartas, & cirographa, & instrumenta quæ habuit de prædictis reddidit Domino Regi, & concessit, quod si aliqua imposterum inveniantur in cujuscunque manibus fuerint, pro nullis habeantur.* Et Dominus Rex de gratia sua concessit, quod ipse *Huberius* & hæredes sui habeant & retineant terras & tenementa quæ eidem *Huberto* descenderant ab antecessoribus suis, & similiter omnes terras & tenementa quæ tenuit de aliis, & de alterius dono quam de dono Regum. *Ita tamen, quod omnibus inde conquerentibus secundum consuetudinem regni sine dilatione ipse & sui respondeant, & omnia alia catalla ubicunque sint remaneant Domino Regi tam in auro & argento, quàm in denariis & aliis mobilibus, & corpus suum remaneat apud Castrum* Divis. *& in custodia Dominorum* R. *Comitis* Cornubiæ & Pictaviæ, W. *Comitis* Warenn. R. Mareschalli *Comitis* Pembroke, & J. *Comitis* Lincolniæ *& Constabularii* Cestriæ

Cestriæ *donec habitum Templariorum susceperit, quem prius petierat, quod modo facere non potest,* quia uxoratus est, *vel donec per commune consilium Domini Regis & omnium prædictorum Baronum Custodum, necnon & aliorum Magnatum terræ liberatus fuerit, de quibus si aliquem mori contingat, illi qui residui erunt assument sibi alium loco ipsius defuncti quem voluerint, qui custos cum eis existat sicut ille fuit qui defunctus fuerit. Et liceat eidem* Huberto *dum fuerit in prisona, si quam terram tenuerit injustè, illam reddere si voluerit; non obstante eo quod in custodia prædictorum fuerit: Et si de prisona aliquo modo exierit, nisi pro dicto habitu suscipiendo, & de licentia & consensu Domini Regis & prædictorum Magnatum, vel per commune consilium Custodum & Baronum, ut prædictum est, & vel per se vel per alios, sive per quemcunque aliquid attemptaverit contra prædictam provisionem, vel aliquo tempore saltem de facto contra prædictam conventionem venerit, sive de conscientia sua impetratum fuerit sive non, & ipse vel alius uti voluerit impetratis, per quæ corpus suum liberetur, tunc pronuncietur Judicium prædictum contra eum, & fiat de eo sicut de utlagato ubicumque & à quocumque inventus fuerit, & omnes terræ & omnia tenementa quæ Dominus Rex de gratia sua ei concessit, forisfacta sint & remaneant Dominis feodorum de quibus tenuit; salvo Domino Regi anno suo & catallis.* Et Dominus Rex concessit pro se & hæredibus suis, quod eidem *Huberto* aliam gratiam neque crudelitatem faciet quam prædictum est. In cujus rei testimonium, Dominus Rex & prædicti *R.* Comes *Cornubiæ* & *Pictaviæ*, *W.* Comes *Warenn. R. Mareschallus* Comes *Pembrochiæ*, *J.* Comes *Linc.* & Constabularius *Cestriæ*, huic scripto sigilla sua apposuerunt. Hiis testibus, *Radulpho* filio *Nicholai*, *Th. de Muleton*, *Willielmo de Insula*, *Ricardo Duket*, *Adam* filio *Willielmi de Raleigh*, *Roberto de Lexinton*, *Radulpho de Norwico*, & Civibus *London.* & aliis fidelibus Domini Regis ibidem existentibus. *An.* 17 & 18 Hen. 3.

I found in the *White Tower* this memorable Appeal of the Archbishop of *York* ratified by the King against the Coronation of *Alexander* King of *Scots*, as well to the prejudice of the Kings rights, as of the rights of the Church of *York*. De appellatione Regis contra Coronationem Regis Scotiæ.

REX Appellationem quam *W. Ebor.* Archiepiscopus, *Angliæ* Primas, per se vel per certos nuncios suos interpositurus est tam pro jure Regis quam pro suo, ne *A.* Rex *Scotiæ* in Regem se faciat coronari, in præjudicium Regiæ dignitatis, et libertatis ipsius Archiepiscopi, et Ecclesiæ suæ, ratam habet et acceptam. Et dirigitur breve omnibus, *&c.* Teste *S. de Segrave* apud *Westm.* 6 die *Maii*, anno regni Regis *H.* decimo septimo.

Tom. 2. p. 443. l. 7. after *Februarii*, insert: The Archbishops and Bishops in *Ireland*, (as well as *England*) holding Plea in their Ecclesiastical Courts of Advowsons of Churches, Chappels, Lay-fees, and Chattels that were not Testamentary, or Matrimonial, against his Royal Crown, Dignity, and the Laws and Customs of the Realm of *England*, which his Father had established in *Ireland*, by common consent; the King thereupon sent this memorable *Prohibition* to all Earls, Barons, Knights, Free-men, and other his Subjects in *Ireland*, not to presume from thenceforth to prosecute any such Suits; and to all the Archbishops, Bishops, Abbots, Priors, Deans, Prelates, and Ecclesiastical persons in *Ireland*, not to presume to hold Plea of any such Cases before them in their Ecclesiastical Courts, threatning to punish them severely if they did offend therein; and commanding his Chief Justice of *Ireland* to cause these his Letters Patents of Prohibition to be publickly read and observed. *An.* 18 H. 3.

REX Comitibus, Baronibus, Militibus, & liberis hominibus, & omnibus aliis de terra *Hiberniæ*, salutem. Quia manifeste esse dinoscitur contra Coronam et Dignitatem nostram, et consuetudines et leges regni nostri *Angliæ*, quas bonæ memoriæ Dominus *Johannes* Rex pater noster de communi omnium de *Hibernia* consensu teneri statuit in terra illa, quod placita teneantur in Curia Christianitatis de advocationibus Ecclesiarum, et Capellarum, vel de Laico feodo, vel de catallis quæ non sunt de Testamento vel Matrimonio: vobis mandamus prohibentes, quatinus hujusmodi placita in Curia Christianitatis nullatenus sequi præsumatis, in manifestum Dignitatis et Coronæ nostræ præjudicium: Scituri pro certo quod si feceretis, devinus in mandatis Justiciario nostro *Hiberniæ*, quod statuta Curiæ nostræ in *Anglia* contra transgressores hujusmodi mandati nostri cum justicia procedat, et quod nostrum est exequatur. In cujus, *&c.* Teste Rege apud *Winchecomb*, 28 die *Octobris*, anno regni nostri 18. Pat. 18 H. 3. m. 17. intus. Hybernica.

Et mandatum est Archiepiscopis, Episcopis, Abbatibus, Prioribus, Archidiaconis,

An. 18 & 19 Hen. 3. nis, Decanis, et omnibus Prælatis et personis Ecclesiasticis, quod hujusmodi placita in Curia Christianitatis tenere non præsumant.

Et mandatum est Justiciario *Hiberniæ* per literas clausas, quod prædictas literas patentes publice legi et teneri faciat.

I met with this original Bull of Pope *Gregory* the 9th. to K. *Henry* the 3d. in the *White Tower*, to advise and hasten the marriage of his Sister *Isabella* to *Frederick* the Emperour, as beneficial and honourable to him and his Realm, and no longer to defer it.

An. 18 H. 3. in Turre Lond. GREGORIUS Episcopus servus servorum Dei, charissimo in Christo filio illustri Regi *Angliæ*, salutem & Apostolicam benedictionem. Quæ tuæ Celsitudinis respiciant incrementum libenter tibi facienda suggerimus, & eadem per nosipsos oppoztuno tempoze pzocuramus. Hinc est quod cum charissimus in Christo filius noster *F. Romanorum* Imperator semper Aug. *Jerus.* & *Siciliæ* Rex illustris, pro dudum tractato & firmato, sicut dicitur, matrimonio inter te et ipsum, de dilecta in Chzisto filia *Ysabella* sozoze tua illustri fœliciter consummando; ac pro ipsa, duce Christo, ad eundem abdicato tarditatis spacio deducenda, juxta consilium nostrum, ad tuam præsentiam sollempnes nuncios duxerit destinandos: sublimitati tuæ bona fide consulimus, et attente rogamus, quatinus prudenter advertens, quid tibi et regno tuo utilitatis pzoferat et honozis, cum Pzincipe terræ Regibus præminenti contrahere parentelam, tanti complemento negotii finem tribuas affectatum; diligentiam habituras; ut a re tam honozabili, tam salubzi nullius sinistro consilio te distrahi patiaris. Cæterum memoratos nuntios sereno vultu recipiens, & honore pertractans quo tibi competat, & mittenti eorum verbis quæ super hiis tuæ Celsitudini proponenda duxerint fidei plenitudinem largiaris. Datum *Perusii*, Non. *Decembris*, Pontificatus nostri anno octavo.

An. 19 H. 3. Tom. 2. p. 458. l. 33. after *Februarii*, adde; The Popes Legates and our Popish Prelates bearing the chiefest sway in King *Henry*'s Councils and Government of the Realm during his Minority, not only endeavoured by degrees to draw the conusance of all Ciuses touching Advowsons, Præsentations, Church-lands, Freeholds, Debts, Goods, Chattels, and Civil contracts in *England* and *Ireland*, into their Ecclesiastical Courts, but likewise to [a] *introduce and advance the Canon Laws and Decretals*, compiled by *Gratian*, Pope *Gregory* the 9th. and others, *above the Common and Antient Laws of the Realm*. For which end they presumed to read them publickly (without the Kings authority) in the Schools of *London*, encouraged thereto by Pope *Gregory* the 9th. his command; (as [b] *Mat. Paris* assures us, *An.* 1235.) His quoque tempozibus Papa Greg. videns tædiosam Decretalium pzolixitatem, sub quodam compendio eas eleganter abbzeviatas et collectas, solenniter et authentice per totius mundi latitudinem legi pzæcepit et divulgari. *Illas autem ab auctore ipsarum* Gzegozianas *appellamus*. Whereupon the King to preserve the rights and prerogatives of his Crown, and Laws of the Realm against the batteries of those Papal Canons and Decretals, issued not only [c] *frequent Prohibitions* to Ecclesiastical Judges, not to hold Plea of Advowsons, Free-holds, Trespasses, Debts, Chattels or things not belonging to them, but also prohibited the reading or teaching the Canon Laws in their Schools, as this Writ of Proclamation to the Major and Sheriffs of *London* imports.

d Cl. 19. H. 3. m. 22. intus. [d] MAndatum est Majori & Vicecomitibus *London*, quod clamari faciant et firmiter pzohiberi, ne aliquis Scolas regens de Legibus in eadem Civitate de cætero ibidem Leges doceat, et si aliquis fuerit hujusmodi Scolas regens, ipsum sine dilatione cessare faciant. Teste Rege apud *Basing*. 11 die *Decembris*.

e In his Proeme to his 2. Institutes on Magna Charta. [e] Sr. *Edw. Cooke*, in his posthumous *Institutes*, (who had a most unhappy faculty in mistaking most Records he cites) affirms, this *Writ was issued to them, to suppress the Readings of such learned men in the Laws of the Realm, who kept Schools of the Law in the City of* London, and taught such as resozted to them the Laws of the Realm, taking their foundation of Magna Charta and Charta de Foresta, which the King by ill advice sought to impeach. Whereas our learneder Antiquary [f] Mr. *John Selden* asserts, Credibile non videtur de Legibus Anglicanis earumque pzælectione mandatum hoc fieri. And Sir *Edward Cooke* himself in his *Commentary* on the *Statute* of *Merton*, *cap.* 9. asserts, That the Nobility of England have ever had the Laws of England in great estimation and reverence, as their best Birth-right; and so have the Kings of England as their principal Royalty and right belonging to their Crown and dignity. Yea [g] *Bracton*, a Judge under King *Henry* the 3d. and [h] *Fleta* resolve; Lex facit Regem: Et quia per legem factus est Rex, attribuat igitur Rex legi, quod

a See the Statute of Merton, 20. H. 3. c. 9. & Tom. 2. p 445, 447. to 480. Cooks 2. Instit p 95, 96.

b Hist Angl. p. 403. see Tom. 2. pag. 467.

c See Tom. 2. pag. 443, 458, 476, 477, 478.

f See Mr. Seldens Review of his History of Tithes, pag. 491. & ad Fletam Dissertatio c 8. p. 515.

g Lib 1. c. 8. l. 5. c. 9. fol. 107.

h Lib. 1. c. 5.

ler attribuat ei, *videlicet*, Dominationem et poteſtatem; et dignum eſt quod per ipſum tueatur ler, cui honorem tribuit et poteſtatem. Therefore it is altogether incredible that this Writ was intended either of the Common Laws of *England*, or Readings on the Great Charters of Liberties or of the Foreſt; but only of the *Canon* and *Roman* Papal *Laws*: formerly *burnt, torn, ſuppreſſed, baniſhed* the Realm by King *Stephen*, as Mr. *Selden* proves at large in his *ad* Fletam *Diſſertatio*, c. 5 & 8. and I have [a] *elſewhere* moſt fully evidenced. *An.* 19 H. 3.

a Tom. 2. pag. 530 to 538.

And great reaſon had the King and his Council to prohibit the Reading and uſe of the Canon Law and Popes Decretals, eſpecially the Decrees of *Gratian* then moſt cryed up, authorized by *Euſebius* the 3d. and other Popes; For as *Marc de Vulſan* a learned *French* Advocate, in his accurate Treatiſe, [b] *De la Puiſſance du Pape, & de Libertes de l' Egliſe*-Gallicane, *l.* 3. *c.* 2. and [c] others inrefragably prove, *That all the Ancient Popes Decretal Epiſtles* (collected by *Gratian*) *on which his Decrees are founded, are mere forgeries and Impoſtures*, never heard of in the *World* till above 830 years after Chriſt, not mentioned by any antient Eccleſiaſtical Hiſtory or Father; far different both in ſtyle, matter, from theſe Popes genuine Epiſtles, inconſiſtent with the ſtate of the Church in the ages wherein they lived; yea not extant in the ancient *Roman Code of Canons*, as [d] *Gratian* himſelf acknowledgeth. And as there are ſuch a grand number of Errors, Falſities, Forgeries, in the body of the Canon Law compiled by *Gratian*, that *Antonius Auguſtinus* in the firſt *Dialogue* of his firſt Book [e] *De Emendatione Gratiani*, aſſerts, *it will be a very difficult thing to number all his Errors in a whole day*, (amongſt which he enumerates the antient Popes forged *Decretal Epiſtles*, out of which there are about 500 Canons and Rubricks extracted by *Gratian*;). So theſe their Decretal Epiſtles and his Decrees out of them, were purpoſely publiſhed, to overturn the antient Orthodox Doctrine of the Apoſtles, primitive Church, Fathers, the Canons of ſeveral Councils, the Prerogatives, Rights, Laws of all Chriſtian Emperors, Kings, Realms, and to advance the Popes, Prelates, Clergies uſurped *Juriſdiction* over them: For which end theſe forged Epiſtles and Decrees of Popes are thus cryed up by Pope *Nicholas* and *Gratian*, as irrefragable, yea equal to the *Canonical Scriptures*. [f] Inter Canonicas Scripturas Decretales Epiſtolæ connumerantur: Whence they decree, Omnes ſanctiones Apoſtolicæ ſedis irrefragabiliter obſervandæ ſunt, tanquam ipſius divina voce *Petri* firmatæ. Quicquid *Romana* Eccleſia ſtatuit, ab omnibus eſt obſervandum; et Pontificalibus ſit alienus officiis, qui Apoſtolicis non vult obedire præceptis: (to wit, the Popes not Chriſts Apoſtles precepts.) Tolerandum eſt jugum quod a Sancta ſede imponitur licet intolerabile videtur. [g] Ab Apoſtolicis præceptis non licet recedere. Apoſtolicis præceptis nullus ſuperbe reſiſtat. Non poteſt ſtatutis Pontificum conſuetudo cujuſquam refragari. Yea more, [h] Conſtitutiones Principum et Imperatorum Eccleſiaſticis Conſtitutionibus non præeminent ſed obſequuntur. Leges et Judicia Imperatorum Eccleſiaſtica jura diſſolvere non poſſunt. Conſtitutiones Regum contra Canones et Decreta Pontificum *Romanorum*, nullius ſunt momenti. In Eccleſiaſticis cauſis Regia voluntas Sacerdotibus eſt poſtponenda. Tribunalia Regum Sacerdotali ſunt poteſtati ſubjecta: Conſtitutiones Principum Eccleſiaſticis legibus poſtponendæ ſunt ubi Canonicis Decretis obviaverint. Dedit enim Deus Sacerdotibus Principatum multo perfectiorem Principatibus Regum. Numquid juſtum vobis videtur ſi cedat ſpiritus carni (id eſt Eccleſiaſtica conſtitutio ſeculari conſtitutioni, as *Johannes de Thierry*, *Bartholomæus Brixienſis*, and others Gloſs it) ſi a terrenis cœleſtia ſuperentur, et ſi divinis (as they ſtyle their Canons) præferentur humana? To omit other Paradoxes of this nature.

b A Geneve, 1635.

c Bp. Jewel, Dr. Raynolds, Dr. James, Cookes Cenſura Patrum, and others.

d Diſtinct. 9.

e Pariſiis, 1667.

f Gratian Diſtinct. 19 and other Doctors Gloſſes thereon.

g Gratian Diſtinct. 11, 12.

h Gratian Diſtinct. 10.

Pope *Eugenius* the 2d. having confirmed theſe and the reſt of *Gratian*'s Antimonarchical *Canons*, *Rubricks*, extracted out of his predeceſſors forged Epiſtles, ſent them to all Univerſities and *Chriſtian Realms* to be publickly read, interpreted, obſerved; and ſent [i] *Gratian* himſelf, (who firſt taught them in *Rome*) to the Univerſity of *Paris*, and *Vacarius* into *England* there openly to read and expound them in the Univerſity of *Oxford*; as the *Laws by which all Churches, Kingdoms, Kings, Chriſtians, ought to be governed*, eſpecially *in all Eccleſiaſtical affairs*.) Which as the Univerſities and Churches of *France* would never receive nor ſubmit to, as *Marc de Vulſan*, [k] *Claude Fauchet*, and *Pierre de Pithou* aſſert; ſo King [l] *Stephen* as ſoon as they were taught in *England*, ſilenced *Vacarius* from reading them, tearing and

i Gratiani Vita, Marc de Vulſan l. 3 c. 2. Tom 1 p. 531, 532.

k Les Libertez des Egliſes Gallicanes, c. 2.

l See Here, Tom. 1 p. 531, 532, 533.

An. 19 H. 3. and burning the Books themselves. After which being introduced again and publickly read in the Schools in *London* during King *Henry*'s minority; together with Pope *Gregory* the 3d. his *Decretals*, then newly published and sent into *England* and all other Countries to be publickly read and taught: when he came to years of discretion, he prohibited the reading and teaching of them, by the premised Writ, as inconsistent with his royal Prerogative, the Common Laws, Statutes, and Priviledges of the Realm, which Popes, their Legates, and his own usurping Prelates endeavoured to subvert, or enervate by their Canons and Ecclesiastical constitutions.

It was the Observation of *Henry de Bracton* (a[a] *Justice Itinerant*, An. 29 & 30 *H.* 3d. writing about this time,) in his Book, [b] *De Legibus & Consuetudinibus* Angliæ. Episcopi contrarii sunt Legibus et Consuetudinibus Angliæ; et Curia Christianitatis in quibusdam contraria est Legi et consuetudini Angliæ; especially in cases of *Bastardy*; they then endeavouring with all their might to subvert the [c] *Common Law*, in making children born before marriage legitimate, and inheritable, by their Canon Laws and Constitutions, which were Bastards, illegitimate, and not capable to inherit Lands by the Common Lawes and Custom of *England*. Whereupon if Bastardy were pleaded generally in barre of any real action, it ought not to be tried in Court Christian, nor by Certificate from thence to the Kings Court, [d] cum nihil aliud sit, sub tali obscuritate transmittere inquisitionem de Bastardia faciendam, quam venire contra Legem et Consuetudinem Angliæ. *Ad talem igitur errorem tollendum, necesse est causam (bastardia) addicere.* Besides the Popes and Bishops [e] before and about this time, by their *Canons* and *Constitutions*, engrossed the Conusance of all causes touching *Advowsons*, *Presentations*, *Church-lands*, *Suits* by or against *Clergy-men* and *Religious persons*, antiently belonging to the Kings Crown, Courts alone, to their *Ecclesiastical Courts*, and attempted to make the King, as well as other Patrons subject to *Lapses*, if he *presented not within 6 moneths to Bishopricks, Abbies, Churches* and *Ecclesiastical Dignities whereof he was Patron, or to which he had right to present by his Prerogative*; against the rights of his Crown, and this Maxime of the Common Law, *Nullum tempus occurrit Regi*; which [f] *Edmund* Archbishop of *Canterbury* then endeavoured by a special Bull from the Pope to divest him of, to the *prejudice of his Crown*; yea they [g] *prohibited Clergymen to grant any Aydes to Kings, without the Popes special license, and exempted the Clergy from all Secular Jurisdiction.* Whereupon he, his Judges and Council, had very good reason to issue forth the precedent Writ, to prohibit the publick Reading or Professing of the Canon Law, so diametrically contrary to his Prerogative, and subversive to the antient Laws and Customes of the Realm. The rather, because some [h] *Canonists* then and since have publickly asserted, Statuentes contra libertatem Ecclesiæ sunt excommunicati. Item scriptores Statutorum, Consiliarii, Potestates, Consules, atque Rectores locorum ubi Statuta edita sunt: item judicantes secundum illa atque redigentes judicata in publicam formam. Et quod statuta hujusmodi sint nulla. Imprimis igitur, non solum Papa sed etiam quilibet Episcopus potest dicta Statuta tollere, et declarare esse contra Ecclesiæ libertatem, atque mandare sub excommunicationis pœna ipso facto incurrenda, illa non esse observanda, etiam non citatis statuentibus: Et quia Episcopus tenetur ex debito officii præcipere statuentibus contra libertatem Ecclesiæ, ut de libro Statutorum illa cassent; *nec sufficit si permittat illa revocari tantum*, quia tenetur ex debito officii illa cassari facere, et ad id sunt jurejurando astricti; *ideò non satisfecerit debito Episcopalis officii si tantùm declaraverit esse contra libertatem Ecclesiæ*, quia hoc non est exequi Canones, mandantes dicta Statuta cassari debere, quæ contra Ecclesiæ sunt libertatem. Item Episcopus animabus eorum, qui excommunicationem incurrunt providere non posset concedendo absolutionem, nisi vere et realiter dicta Statuta cassata fuerint; Quare debet præcipere statuentibus quibus ab universo populo commissum est, ut dicta Statuta cassent, et nisi obedierint, censuris affectos esse declarandi sunt, atque eorum loca interdicto supponenda donec obedierint, et pœnitentiam condignam egerunt. Therefore it was great reason for K. *Henry* and his Counsil strictly to prohibit the Readers and Teachers of such Antimonarchical, Papal Canons, Laws, and Decretals, which thus Excommunicated, Interdicted all Kings, Parliaments, Peers, Judges, and Officers of Justice to make Acts or execute any Statutes in defence of their Crowns, Realms, Laws, Properties, Persons, against the Popes and Bishops Antimonarchical usurpations on them, or their pretended Liberties of the Church; till they should not only repeal, but null their Statutes of this nature,

a Clauf. 29 H. 3. m. 8. dorso. Clauf. 30 H. 3. m. 8. dorso.

b Lib. 5. Tit de Exceptionibus, cap. 19. f. 416. b.

c See the Stat. of Merton, An. 20 H. 3. c. 9. See Tom. 2. p 445, 472. & Tom. 1. p. 809.

d Bracton, l. 5. de Exceptionibus, c. 19. fol. 416. b. Cooks 1 Instit. Sect. 399, 400. 2 Instit. p 96, 97.

e Gratian Distinct. 63. See Here, Tom. 1. p. 804, 806, 810.

f See Tom. 2. p. 563.

g Tom. 1. p. 807. & Tom. 2. p 837.

h Dr. Marta de Jurisdictione, l. 2. c 44. Felynus in cap. Ecclesiæ Sanctæ Mariæ, nu. 108, 109. Joan. de Bononio in singular 75. Archidiacon. in cap. quæ Lotharius, and others cited by Dr. Marta.

nature, and expunge them out of their Statute-Books upon every Bishops *Injunction*. *An.* 19 H. 3.

The same year the Church of S^t. *Martins* in the Isle of *Serc*, wanting competent maintenance, the King thereupon out of his Soveraign piety and care to promote Gods service, granted to it the Tithes of his Demesnes in that Island, (formerly Tithe-free) by this Writ.

REX Custodi Insularum suarum de *Gernes* & aliarum Insularum suarum in partibus *Normanniæ*, salutem. Sciatis, quod concessimus dilecto nobis in Christo *Ricardo* Vicario Ecclesiæ sanctæ *Mariæ* de *Serc*. quod de cetero imperpetuum reddantur Decimæ de Camparto nostro in eadem Insula Ecclesiæ antedictæ. Et ideo vobis mandamus, quod Decimas plenarias de Camparto nostro in Insula prædicta Ecclesiæ memoratæ reddi de cætero faciatis. Teste Rege apud S. *Albanum*, 27 die *Novembris*. Clauſ 19 H. 3. m. 22. intus.

I found this original Certificate of the Dean and Chapter of *Lincoln* to King *Henry* the 3^d. of the Election of *Robert Grosthead* for their Bishop, to whom the King thereupon granted his Royal assent.

EXcellentissimo Domino suo *H.* Dei gratia illustri Regi *Angliæ*, Domino *Hiberniæ*, &c. devoti sui *W.* Decanus & Capitulum *Lincoln.* salutem, & quàm debitam tàm devotam cum summa devotione reverentiam. Dominationi vestræ supplicamus humiliter & devotè, quatinus electionem Ecclesiæ nostræ *Lincoln.* quam de viro idoneo, eminentis literaturæ, conversationis honestæ, laudabilis vitæ, et præclaræ famæ, Magistri *Roberti Grosseteste* Concanonico nostro unanimiter celebravimus, et Canonicè, assensum Regium præbere dignemini; quod ad Regiam pertinet dignitatem intuitu Dei, et ob reverentiam gloriosæ Virginis circa ipsum ulterius crescentes favore consueto. Valeat Dominatio vestra in Domino. Bundela Certif. & Lit. in Turri Lond. & Clauſ. 19 H. 3. m. 24. intus.

* *Matthew Paris* renders us this account of his Predecessors death, and his Election and confirmation; *Eodem tempore obiit* Hugo de Valles Lincolniensis *Episcopus*, Monachorum persecutor, Canonicorum et omnium malleus Religiosorum, *septimo Idus* Februarii, *& sepultus est apud* Lincolniam *in Ecclesia Cathedrali quarto Idus ejusdem. Cui successit Magister* Robertus *cognomento* Grosseteste, vir quidem nimis literatus, *à primis annis scholis educatus*; *qui apud* Radingam *ab* Edmundo Cantuariensi *Archiepiscopo consecratus est, tertio Nonas* Junii: *reclamantibus Monachis* Cantuariensibus, et allegantes ne alibi consecraretur quam in Ecclesia Cantuariensi; sed id tandem hac vice permiserunt, ne labores et expensæ frustrarentur convenientium; ita tamen quod id in consequentiam amplius non traheretur. * Hist. Angl. p. 395. See Godwins Catalogue, p. 239.

The Bishop of *Worcester* having Excommunicated the Kings Baylif, for seising into the Kings hands the Church of *Fekenham*, to which the King had presented his Clerke, though appropriated to the Abby of *Lyra* by former Charters, he upon sight of them revoked his presentation, and requested the Bishop to absolve his Baylif. and take off his Sequestration, commanding the Church to be restored to the Abbot and Monks of *Lyra* by this Writ.

REX venerabili in Christo patri *W.* eadem gratia *Wigornienſi* Episcopo, salutem. Quia constat nobis per inspectionem cartæ *H.* Regis avi nostri, quam Abbas & Monachi de *Lyra* habent de jure Patronatus Ecclesiæ de *Fekenham*, & etiam ex tenore litterarum nostrarum quibus fidem, sicut debet, adhibemus, didicimus, quod prædicti Abbas & Monachi Ecclesiam illam a longo tempore excepta vicaria in usus proprios tenuerunt, Paternitati vestræ significamus, quod possessionem eorum, ex quo res ita se habet, impedire non curamus, unde licite poteritis sequestrum factum de Ecclesia prædicta occasione præsentationis nostræ nuper de *Thoma de Nortleth* Clerico ad Ecclesiam ipsam, præfatis Monachis relaxare, quod si placet sine impedimento, non obstante præsentacione nostra, facere velitis. Præcipimus enim Ballivo nostro de *Fekenham* (cui vestri gratia culpis suis exigentibus excommunicationis vinculo innodato, absolucionis beneficium ex interventu nostro impendistis) quod de terris & redditibus ad Ecclesiam ipsam pertinentibus quas occasione prædicta in manum nostram cœpit, eisdem Abbati & Monachis plenam seisinam habere faciat, ad disponendum inde pro voluntate sua nunc sicut prius. Teste Rege apud *Westm.* 3 die *Maii*. An. 19 H. 3. in Turri London.

The Bishop of *Norwich* complaining this year to the King, that some persons imprisoned upon a *Capias Excommunicatum* were inlarged by the Sherif, before satisfaction given to the Church for their injuries and contempts, issued this Writ to the Sherif of *Norfolk* and *Suffolk*, to prohibit it for the future.

An. 19 H. 3. Clauſ 19 H. 3. m. 24 intus.

REX Vicecomiti *Norf.* & *Suff.* ſalutem. Mandavit nobis venerabilis pater *Thomas Norwicenſis* Epiſcopus, quod excommunicatos de Dioceſi ſua captos et detentos in priſona noſtra per præceptum noſtrum, facis a priſona deliberari, priuſquam ſanctæ Eccleſiæ, tam de injuria ſibi illata, quam de contemptu ſatisfecerint. Et ideo tibi præcipimus, quod de cætero illos qui excommunicati fuerint et capti, et in priſona noſtra detenti, a priſona noſtra non deliberes niſi prius ſanctæ Eccleſiæ ſatisfecerint, ſicut prædictum eſt. Teſte Rege apud *Weſtm.* 19 die *Novembris.*

Becauſe many women being Nurſes and Servants to *Jews*, were thereby infected with *Judaiſm*, the King by his Eccleſiaſtical Prerogative commanded the Sheriff of *Norfolk* and *Suffolk* to publiſh this Proclamation to prohibit it for the future.

Clauſ. 19 H. 3. m. 24. intus.

MAndatum eſt Vicecomiti *Norf.* & *Suff.* quod in Civitate de *Norwico* & in ſingulis bonis villis Comitatuum ſuorum clamari faciat, quod nulla fœmina Chriſtiana de cætero ſerviat Judæis ad alendos parvulos ſuos, vel in aliquo alio officio. Teſte Rege apud *Weſtm.* 20 die *Novemb.* Per ipſum Regem.

The Archbiſhop of *Canterbury* claiming the Cuſtody of the Temporalties of the Biſhoprick of *Rocheſter* during the vacancy as Patron thereof, by * King *John*'s Charter, the King thereupon iſſued this Writ, with a ſaving of his own *right* and others thereto.

* See Tom. 2. p. 339.

Clauſ. 19 H. 3. m. 27. intus.

REX Vicecomiti *Cantuarienſ.* Sciatis, quod conceſſimus venerabili patri *E. Cantuarienſi* Archiepiſcopo, quod habeat ſeiſinam Epiſcopatus *Roffenſis* vacantis, & omnium terrarum ad eundem Epiſcopatum pertinentium, ſalvo jure noſtro et omnium aliorum, ſi qui in cuſtodia prædicti Epiſcopatus jus ſibi vendicent. Et ideo tibi præcipimus quod de prædicto Epiſcopatu vel de aliquibus terris & poſſeſſionibus ad eundem Epiſcopatum pertinentibus in nullo te intromittas, & ſi quid inde cepiſti vel amoveri feciſti, id eidem Archiepiſcopo reddi facias. Teſte Rege apud *Stratford.* primo die *Marcii.*

Eodem modo mandatum eſt Vicecomiti *Norff.* & *Suff.*

The Biſhops, Abbots and Priors who held of the King by *Knights ſervice* in Capite, having granted an Ayd to the King this year, of their Lands ſo held, he commanded the Sheriffs to ſummon moſt other Abbots and Priors who held not of him *in Capite* to appear before him (to grant him an other kind of Ayd) by this Writ.

Clauſ 19 H. 3. m. 7. dorſo.

MAndatum eſt Vicecomiti *Oxon.* quod omnes Abbates & Priores de comitatu tuo qui non tenent de Rege in capite, per ſervicium Militare, cujuſcunque ſint ordinis præter ordinem *Cyſtercienſem* & *Præmonſtratenſem*, venire faciat coram Rege apud *Wudeſtok* in craſtino Sanctæ *Mariæ Magdalenæ*, anno, *&c.* ad loquendum cum Rege de negociis ſuis quæ eis habet exponenda. Teſte Rege apud *Weſtm.* 16 die *Julii.*

Eodem modo ſcribitur Vic. { *Heref.* / *Glouc.* / *Wigorn.* } apud *Glouc.* die Veneris prox. ſequente, *&c.*

The King likewiſe this year in purſuance of his former promiſe and grant to the Clergy, commanded the Tithes of Mills and Hay to be paid out of all his Mills and Lands within the Honor of *Richmond*, then in his hand:

Clauſ 19 H. 3. m. 3. intus.

REX Cuſtodi Honoris *Richmund.* ſalutem. Sciatis, quod conceſſum eſt de conſilio noſtro, quod decimæ Fœni et Molendinorum dentur de dominicis noſtris in regno noſtro *Angliæ.* Et ideo tibi præcipimus quod decimas Fœni et Molendinorum de dominicis Honoris *Richmund.* dari facias perſonis quibus debentur quamdiu Honor ille fuerit in mana noſtra. Teſte Rege apud *Derl.* ſexto die *Septembris.*

How carefull the King was for the advancement of Learning, Religion, and to preſerve the Libers of the Univerſity and Scholars of *Oxford*, againſt the extortions and abuſes of the Townſmen, and a compoſition formerly made for that purpoſe between them by his Order, which the Townſmen would not obſerve, will appear by this Record.

Clauſ. 19 H. 3. m. 18. dorſo.

H. Dei gratia Rex *Angliæ*, &c. Majori & probis hominibus ſuis *Oxoniæ*, ſalutem. Quia ſicut ad nos pervenit ex quelera Univerſitatis Scolarium ſtudentium, injuria veſtra faciente, contentiones quædam de novo exortæ ſunt inter vos et Univerſitatem prædictam ſuper quibuſdam articulis in Compoſicione quadam inter vos inita, quam eidem Univerſitati obſervare contradicitis, ut de Sacramento

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in capite Anni præſtando, de victualibus prædictis Scolaribus juſto ac rationabili precio vendendis; vobis præcipimus firmiter injungentes, quod ſicut indempnitatem veſtram diligitis, per vos ipſos diſſentiones prædictas ſuper ſingulis articulis in prædicta Compoſitione contentis, et maxime ſuper præſtacione ſupradicti Sacramenti, ſervare et pacificare ſtudeatis. Ita quod non debeat ad nos clamor iteratus pervenire. Scituri, quod ſi ab aliquo in prædicta Compoſitione contento receſſeritis, aſſignavimus diſcretum virum *G.* de *Crautumb.* per quem volumus Compoſicionem prædictam in omnibus ſuis articulis firmiter obſervari. Teſte Rege apud *Weſtm.* 21 die *Februarii.* *An.* 20 & 21 Hen. 3.

The Townſmen of *Oxford* inſtead of obſerving their Articles, aſſaulting and wounding ſome of the Scholars the next year, the King thereupon iſſued theſe two Writs to preſerve the Univerſities Priviledges, and his own Juriſdiction over it.

AUdita quærela Univerſitatis *Oxon.* videlicet, quod quidam Clerici contra pacem Regis in villa prædicta graviter vulnerati ſunt, ita quod de vita eorum adhuc deſperatur, Rex ad villam prædictam miſit Magiſtrum *Simonem Normannum*, & *Johannem Gnband* Mariſcallum ſuum ad inquirendam veritatem ſuper præmiſſis. Et mandatum eſt Majori & probis hominibus *Oxon.* quod eis intendentes ſint in hiis quæ eis dicent ex parte Regis. Teſte Rege apud *Selveſton*, 6 die *Februarii.* Pat. 20 H. 3. m. 11. dorſo. Pro Univerſitati Oxon.

REX venerabili in Chriſto patri *R.* Dei gratia *Lincoln.* Epiſcopo, ſalutem. Cum contentiones inter univerſitatem Cleri *Oxon.* ex parte una, & Communa villæ prædictæ motæ, ſpecialiter nos tangunt, dilectum & fidelem noſtrum Magiſtrum *Willielmum de Kilkenny*, quem una cum dilectis & fidelibus noſtris *W. de Kirkeham* Decano S. *Martini London.* & *Godefrido de Craucumb* Seneſcallo noſtro, in occurſum veſtrum duximus mittendum, ad dictas contentiones ſedandas una vobiſcum, quem procuratorem noſtrum conſtituimus, ad appellandum pro nobis ſi neceſſe fuerit; ne per aliquem proceſſum negotium præfatum contingentem in noſtrum vel Regiæ dignitatis præjudicium aliquid attemptetur. Gratum & ratum habituri quicquid idem Magiſtro *W.* in hac parte mediante juſtitia duxerit agendum. In cujus rei, *&c.* Teſte Rege apud *Theok.* 8. die *Julii.* Pat. 20 H. 3. m. 5. intus. De Procuratione Oxon.

Tom. 2. p. 476. l. 8. after *Viceſimo*, adde; What Juriſdiction the Pope and his Delegates then exerciſed in *England*, in caſes of Appeal againſt a ſentence given in caſe of Divorce by our Biſhops, this Record will evidence.

REX Conſtabulario Caſtri de *Kenebanton.* ſalutem. Scias, quod Divortium celebratum per Epiſcopum *Norwicen.* & conjudices ſuos, inter *Rogerum de Daunes*, & *Matil.* Comitiſſam *Eſſex.* uxorem ſuam, per *R. Hereforden.* Epiſcopum & conjudicem ſuum, authoritate literarum Domini Papæ, eſt revocatum; & prædicta Comitiſſa ei, tanquam uxor ſua legitima, adjudicata; ſicut eidem Judices per literas ſuas patentes nobis ſignificarunt. Et ideo tibi præcipimus, quod prædictum Caſtrum cum pertinentiis eidem *Rogero* libere. In cujus, *&c.* Teſte Rege apud *Theok*, 14 die *Julii.* Pat. 20 H. 3. m. 3. intus.

Whereunto I ſhall adde this *Bull* of Pope *Gregory* to the Biſhop of *Norwich*, to augment the maintenance of the Archdeacon of *Norwich*, whoſe ordinary Revenues were too ſmall to maintain him, by addition of a competent Benefice to it, and this Biſhops Charter made in purſuance thereof to the Archdeacon; which I found in the *White Tower* Chappel. *An.* 21 H 3.

OMnibus ſanctæ matris Eccleſiæ filiis ad quos præſens ſcriptum pervenerit, *Th.* Dei gratia *Norwicenſis* Epiſcopus, ſalutem, *&c.* Noverit Univerſitas veſtra, nos mandatum Domini Papæ in hæc verba ſuſcepiſſe. Gregorius *Epiſcopus.* &c. *venerabili fratri Epiſcopo* Norwic. *ſalutem & Apoſtolicam benedictionem. Dilectus filius* Radulphus de Bluwick *Archidiaconus* Norfolc. *tuæ Diocœſis nobis humiliter ſupplicavit, ut cum proventus Archidiaconatus ſui adeò ſint tenues & exiles, quod ex ipſis non valeat per dimidium annum, nec aliàs habeat, undè poſſit congruè ſuſtentari, & à te, qui ipſum (ut aſſerit) in Archidiaconum ordinaſti, tantum ſuppleri in Eccleſiaſtico beneficio faceremus, quod ex hoc & præfatis proventibus* congruæ ſuſtentationis ſubſidium aſſequatur. *Quocirca fraternitati tuæ* per Apoſtolica ſcripta mandamus, quatinus eidem Archidiacono, ob reverentiam ſedis Apoſtolicæ et noſtram, ſuppleas quod deeſt de beneficio competenti; *Mandatum noſtrum taliter impleturus, quod idem aſſecutum ſe gaudeat quod intendit, & nos devotionem tuam meritò poſſumus commendare. Datum* Viterbii, 7. *Kal.* Febr. *Pontificatus noſtri anno nono.* Nos igitur præfati An. 21 H. 3. in Turri Lond.

An. 21 H. 3. Archidiaconi nobilitate & genere, morum honestate, necnon & liberalitate & hospitalitate, quas exercet, regionis etiam consuetudine quæ majores requirit expensas, onere etiam dicto Archidiaconatui circa expensas annexo, maximè pro eo quòd quasi nobile membrum et principale *Norwicensis* Ecclesiæ, & tanquam unus de majoribus, inter omnes post Episcopum idem ratione Archidiaconatus censeatur, ac aliis ejusdem meritis, conditionibus, ac circumstantiis diligenter consideratis, ob reverentiam sedis Apostolicæ et ipsius mandatorum, præter proventus Archidiaconatus & alia quædam præoptenta Beneficia, authoritate Apostolica decernimus eidem Archidiacono forè supplend. ut redditus Centum librarum sterlingorum sub communi æstimatione in Ecclesiasticis Beneficiis, etiamsi curam animarum habeant annexam, in supplementum congruæ sustentationis recipere valeat, & ea cum præmissis licitè retinere; Et ne præmissa in posterum revocentur in dubium, præsentem paginam patenter duximus consignandam. Actum anno ab Incarnatione Domini 1236. septimodecimo die mensis *Junii*, Pontificatus nostri anno decimo.

In the Plea-Rolls in the *Tower* (Term. *Mich.* An. 20 & 21 *H.* 3.) I meet with these Actions and Attachments for holding Plea in *Court Christian* of Debts and Chattels which concerned *Testaments* or *Marriage*, and likewise of *Lay-fee* against the Kings Prohibitions.

Plac. An. 20 & 21 Hen. 3. in Turri Lond.

——————de Hulles *optulit se quarto die versus* Johannem *Archiepiscopum* Cantuar. *Magistrum* Lucam de Brie, *& Magistrum* Willielmum de Halyngberge, Alexandrum de —————— *&* Aliciam *uxorem ejus*, Johannam *&* Lorettam *sorores ejusdem* Aliciæ, *de Placito*, quare tenuerunt placitum in Curia Christianitatis de Catallis et Debitis quæ non sunt de Testamento vel Patrimonio, &c. *Et de placito quare prædicti* Alexander, Alicia, Johanna, & Loretta secuti fuerunt idem Placitum in eadem Curia contra prohibitionem, &c. *Et ipsi non venerunt. Et præceptum fuit Vicecom.* quod Attach. eos, &c.

The like Suits for holding and prosecuting Suits in *Court Christian* against Prohibitions for the like Cause, I find in the same Plea-Rolls the same Term, brought and prosecuted by *Galfridus le Cave & Rogerus le Cave*, versus *Johannem* Priorem de *Caresbrok*. By Esson. *Rogeri* filii *Stephani de Chalke* versus *Clementem de Tydulfyde*.

Wilces. *Reginaldus Laurence* obtulit se 4 die versus *Johannem Cavenard*, &c.

Sussex. *Magister* Thomas de Burn & Ricardus *Vicarius Ecclesiæ de* Kyngeston Attach. fuerunt, ad respondendum Roberto Fagy de placito, quare tenuerunt placitum in Curia Christianitatis de Catallis et Debitis quæ non sunt de Testamento vel Patrimonio contra prohibitionem, &c.

Et unde idem Robertus *queritur*, quod cum prædicti Thomas & Ricardus tenuissent placitum in Curia Christianitatis, de eo quod idem Robertus diffamasse debuit quendam —————— et ipse die, &c. in præsentia, &c. postea fecisset eis Regiam prohibitionem, ne placitum illud tenerent: Ipsi spreta Regia prohibitione, nihilominus placitum illud tenuerunt in Curia Christianitatis; et ipsum postea ab ingressu Ecclesiæ suspenderunt, et postea excommunicaverunt: in contemptum Domini Regis, &c. Unde dicit quod deterioratus est, et damnum habet ad valentiam decem Librarum. *Et inde producit sectam*, &c.

Et Thomas & Ricardus *per Attornatum suum venerunt*; *Et dicunt*, quod non debent ei ad hoc breve respondere, *quia dicunt, quod cum prædictus* Robertus per breve suum asserat ipsos tenuisse placitum in prædicta Curia Christianitatis de Catallis et Debitis quæ non sunt de Testamento vel Patrimonio, &c. *Et in narratione sua dicit* ipsos tenuisse placitum de Diffamatione, &c. quæ mere spectat ad Curiam Christianitatis, &c. *Et petunt judicium*, &c. *Et* Robertus *non potest hoc dicere. Ideo consideratum est quod* Robertus *nihil capiat per Breve suum, sed sit in misericordia pro falso clameo. Et prædicti* Thomas & Ricardus *inde sine die*, &c. *Condonatur per Justic. quia pauper*, &c.

Warwic. Robertus le Provost *de* Hunyngham *optulit se versus Magistrum* Hugonem Sancar. *&c.* quare secutus est Plac. *&c.* de Catallis, *&c.* quæ non, *&c.*

* Mat. Paris. Hist. Angl. p. 420, 421. Mat. Westm. pag. 143, 144.

Tom. 2. p. 486. l. 12. after *Templarius*, adde; * *Mat. Paris* relates, That *Anno Domini* 1237. *qui est annus Regis* Henrici *tertii* 21. *tenuit idem Rex Curiam suam ad Natale apud* Wintoniam. *Misit autem continuò per omnes fines* Angliæ *scripta Regalia, præcipiens omnibus ad regnum* Angliæ *spectantibus, videlicet Archiepiscopis, Episcopis, Abbatibus, & Prioribus installatis, Comitibus & Baronibus, ut omnes sine omissione in Octavis Epiphaniæ* Londoniis *convenirent*, Regia negotia tractaturi totum regnum con-

contingentia. *Quod audientes Magnates, Regiis præceptis continuò paruerunt; credentes se vel Imperialia vel alia arduanegotia proviſuros. Venit igitur die Sancti* Hilarii Londonias *infinita Nobilium multitudo, ſcilicet* regni totalis univerſitas. *Et cum voluntatem Regis audituri, in Regio Palatio* Weſtmonaſterii *conſediſſent; ſurrexit in medio* Willielmus de Kæle *Clericus ac Domini Regis familiaris, vir quidem diſcretus &* legum terræ peritus, *ut quaſi mediator inter Regem & regni Magnates, Regium propoſitum & voluntatem in publicum propalaret. Ait igitur;* Mandat vobis Dominus Rex, quod hactenus quicquid fecerit, ex hoc nunc & amodo, veſtrum omnium, quaſi fidelium & naturalium hominum, conſiliis ſe ſubdet indubitanter. Veruntamen illi qua ſua tractantes, ſui theſauri cuſtodes hactenus extitêre, infideliter compotum pecuniarum omnium tedoderunt receptarum. Nunc idcirco Dominus Rex, pecunia penitus deſtitutus, ſine qua quilibet Rex extat deſolatus, auxilium a vobis ſimpliciter poſtulat pecuniæ. Ita videlicet, ut illa pecunia ad beneplacitum veſtrum collecta, ſecundum diſpoſitionem aliquorum veſtrum ad hoc electorum, in uſus regno neceſſarios reſervetur expendenda. *Quod verbum cum omnes & ſinguli, nil tale expectantes, graviter acceperunt murmurantes*, Alter in alterius jactantes lumina vultus, *dixerunt ad invicem*: Fuderunt partum montes, en ridiculus mus! *Et indignantes reſponderunt*; ſe undique & ſæpè nunc viceſima, nunc triceſima, nunc quinquageſima gravari promittendo & perſolvendo; aſſerentes, indignum nimis fore et injuriosum, permittere Regem tam leviter ſeducibilem, qui nunquam unum ex inimicis regni, etiam minimum, repulit, vel exterruit, nec fines regni unquam ampliavit, ſed arctavit, et alienis ſubjugavit; ut a naturalibus hominibus ſuis, quaſi a ſervis ultimæ conditionis, in detrimentum eorum, et alienorum juvamen, tantam pecuniam, tot, toties, extorquere argumentis. *Quod cum Rex audiſſet, cupiens murmur hoc ſedare generale*, pollicebatur ſub jurejurando, ſe nunquam amplius Nobiles regni injuriando laceſſere, vel moleſtare; dummodo ſibi ad præſens triceſima pars mobilium *Angliæ* benignè conceſſa ſolveretur; quia paulò ante multa pecunia, quam Imperatori miſerat, ſuum theſaurum in magna parte (*ut aſſeruit*) pro matrimonio ſororis ſuæ, & iterum in proprio, mutilaverat. *Ad quod non tacitè reſponſum fuit*, quod hæc omnia ſine conſilio fidelium ſuorum fecerat, nec debuerant eſſe pœnæ participes, qui fuerant à culpa immunes. *Receſſerunt tandem in locum ſeorſum ſecretiorem, ut Regiæ exactioni contemperantes, & exgentiæ ſatisfacientes, inirent conſilium de modo & quantitate juvaminis, quod exigebatur, contractando. Recedentibus igitur illis ſeorſum*, Gilebertus Baſſet *Regi in communi dixit audientia, minus quam deceret in verbo circumſpectus*: Domine mi Rex, mittatis aliquem de veſtris, qui interſit illorum, *ſcilicet* Baronum veſtrorum, colloquio; *ſedebat enim ille, dum hæc diceret, Regi paucis intermediis collateralis. Ad quod ex alia parte reſpondit* Richardus de Percy, *qui in colloquio Magnatum extiterat, non ſine cauſa ſtomachatus*; Quid eſt, amice *Gilberte*, quod dixiſti? nunquid & nos alieni, & non de Regis amicis ſumus? *Et reprehenſus eſt* Gilbertus *in verbo illepido & repentino. Et ſic decertationibus multiplicatis, protractum eſt colloquium in moram quadriduanam.*

Rex verò animo non perturbatus, ſuorum cupiens Baronum ſibi gratiam conciliare, ſe ex tunc deinceps, quicquid factum fuerat antea, dedit ſe conſilio fidelium ac naturalium hominum ſuorum. Præterea, de hoc quod dicebatur, quod conabatur ea quæ conceſſerat, et Chartis confirmáverat, * per authenticum ſummi Pontificis infirmare: *dicebat Rex*, hoc falſum eſſe. Et ſi tale quis forte fuerat ſuggeſtum ei, in irritum aſſirmavit, ſeque talia penitus revocare. Præterea, ſereno vultu, et ſpontanea promiſit voluntate, libertates Magnæ Chartæ ſuis fidelibus regni ſui, ex tunc inviolabiliter obſervare. Et quia videbatur non penitus immunis a ſententia, quam tulerat Archiepiſcopus Stephanus cum omnibus Epiſcopis Angliæ, in omnes violatores prædictæ Chartæ, quam malo conſilio fretus in parte læſerat, fecit in publico innovare ſententiam præparatam, in omnes ejuſdem Chartæ contradictores aut violatores. Dic, ut ſi ille per aliquem conceptum rancorem forte eam non obſervaret, in latam ſententiam gratius recidivaret. (Thus did the King voluntarily ſubject himſelf to the Excommunication and Cenſure of his Biſhops, as well as his other Subjects, to procure their favours and a ſupply of his preſſing publick neceſſities.) *Unde factum eſt*, ut omnium corda hæc audientium, ſibi mirabiliter in verbo illo conciliavit. *Et deliberatum eſt*, quod videretur durum, ſubito conſilium quod in præſentiarum habuit, ab eo quaſi reprobum ſequeſtrare, *appoſitione aliquorum Magnatum additorum illud roboraverit, adjungentes ei Comitem* Warenniæ, Willielmum de Ferrariis,

* As K. John his Father did, Tom. 2. p. 240, to 244.

An. 21 H. 3.

Nota.

An. 21 H. 3. rariis, & Johannem *filium* Galfridi. Et fecit eos Rex jurare quod nullo modo muneribus, vel aliquo alio modo a via veritatis deviarent, quin darent ipsi Regi sanum et salubre regno consilium, sicut antea fecerat Rex apud Windleshores. Concessa est igitur benigne tali conditione Regi ea vice tricesima regni pars, *omnium scilicet mobilium, ad thesaurum suum restaurandum; salvis tamen unicuique auro suo & argento, equis & armis, in Reipublicæ utilitatem expendendis. Quæ pars tricesima, sub hac forma per quemlibet Comitatum diligenter colligetur. Eligendi sunt quatuor fide digni Milites, cum Clerico, quem Rex illis addet in unoquoque Comitatu, & jurati de fidelitate una cum Clerico Regis, pecuniam colligent; & collecta reponetur in Abbatia, sacra Æde, vel Castro: Ut si fortè velit Rex à proposito (quod tamen absit) resilire, & reddatur unicuique quod suum est, fideliter distributum.* Consentientibus igitur primum Archiepiscopo Cantuariensi cum suis Episcopis et Clero, sub hac conditione concessa est Regi tricesima mobilium regni ab omni Prælato, secundum tenementum Baroniæ suæ, et Milite, per totum regnum generaliter colligendum. *Sæpè tamen annexum fuit in conditione*, quod ex tunc et deinceps consilio alienigenarum, (especially of *Othobon*, and other the Popes Legates, who most swayed, infatuated him, and pillaged his Subjects) qui semper sui, non regni amici esse consueverunt, et regni bona distrahere, non adunare, et omnium innaturalium derelicto, suorum fidelium et naturalium hominum consiliis adhærebit. *Et sic soluto Concilio, non sine interiori murmuratione & multa concepta indignatione, eo quod cum difficultate tanta Regis animum ad salubre consilium contorquerent, & consiliis eorum, à quibus omnem honorem terrenum habet, obsecundarent, ad propria quisque remeavit.*

The King in pursuance of his promise to the Bishops and Nobles in this Parliament, for the salvation of his soul, *and exaltation of the Church*, &c. re-confirmed the Great Charter of Liberties, and of the Forest, being now of full age, notwithstanding they were made during his minority, by this Charter enrolled in his *Charter-Roll* of that year (in the *Tower* of *London*) not formerly published to my knowledge.

Cart. An. 21 H. 3. m. 7. n. 4. Carta de Libertatibus.

REX omnibus Christi fidelibus præsentem Cartam inspecturis, salutem. Sciatis, quod intuitu Dei, et pro salute animæ nostræ, & animarum antecessorum & hæredum nostrorum, et ad exaltationem sanctæ Ecclesiæ, et emendationem regni nostri, concessimus & hac Carta nostra confirmavimus Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Militibus, liberis hominibus, & omnibus de regno nostro *Angliæ*, omnes libertates et liberas consuetudines contentas in

* An. 1 & 9 Hen. 3.

* Cartis nostris quas eisdem fidelibus nostris fieri fecimus, cum minoris essemus ætatis, scilicet tam in Magna Carta nostra, quam in Carta nostra de Foresta. Et volumus & præcipimus pro nobis & hæredibus nostris, quod præfati fideles nostri & successores & hæredes eorum, habeant & teneant in perpetuum omnes libertates, & liberas consuetudines prædictas, non obstante eo quod prædictæ Cartæ confectæ fuerunt cum minoris essemus ætatis. Hiis testibus, venerabilibus patribus *E. Cantuariensi* Archiepiscopo, *P. Wintoniensi*, *J. Bathoniensi*, *R. Dunolmensi*, *W. Carleolensi*, *W. Exoniensi*, *R. Saresberiensi*, *H. Elyensi*, *R. Lincolniensi*, *R. Herefordensi*, *A. Coventrensi* & *Lichefeldensi* Episcopis, *W. Valencia*, *W. Wigorniensi* Electis. *R.* Comite *Cornubiæ* & *Pictaviæ*, *Johanne* Comite *Cestriæ* & *Huntingdoniæ*, *G. Marescallo* Comite *Pembroke*, *J.* Comite *Lincolniæ*, & Constabulario *Cestriæ*, *W.* Comite de *Ferrariis*, *W.* Comite *Warenn.* *H.* Comite *Kancii*, *H.* Comite *Essexiæ* & *Herefordiæ*, *Simone de Montiforti*, *Willielmo Lungespe*, *Willielmo de Ferrariis*, *Willielmo de Vescy*, *Ricardo de Percy*, *Ricardo de Munficheth*, *Willielmo de Ros*, *Johanne Biset*, *Gileberto de Umframvill*, *Willielmo de Lancastria*, *Willielmo de Cantilupo*, *Waltero de Clifford*, *Johanne de Monemue*, *Radulpho de Mortuo mari*, *Willielmo Manduit*, *Rogero la Zuche*, *Olivero de Vallibus*, *Gileberto Basset*, & aliis. Dat. per manum venerabilis patris *R. Cicestrensis* Episcopi Cancellarii nostri apud *Westm.* 28 die *Januarii*, anno regni nostri 21.

Consimilem Cartam habent Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones, & omnes alii de Comitatu *Suthanton.*

The Church of S^t. *Petroch* in *Ladeford* wanting maintenance for a Chaplain to officiate therein, the King out of his Piety and Ecclesiastical Soveraingty, granted the Tithes of the Herbage of *Dartmuth* to it, to maintain a Chaplain therein, by this Patent.

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REX dedit & conceſſit Deo & Eccleſiæ Sancti *Petrochi* de *Ladeford*, & Capellano miniſtranti in eadem Eccleſia, ad ſuſtentationem ſuam quicunque pro tempore ibidem Capellanus fuerit, decimam Herbagii de *Dertemore*. In cujus rei, *&c.* Teſte Rege apud *Wudeſtok*, 12 die *Julii*. *An.* 21 H. 3.

Et mandatum eſt *Hereberto* filio *Matthæi*, quod perſonæ ejuſdem Eccleſiæ decimas prædictas habere faciat. Teſte ut ſupra. Pat. 21 H. 3. m. 6 intus. Pro Eccleſia S. Petrochi.

Pope *Gregory* the 9th. (*Anno* 21 H. 3.) ſent this Bull (the original of which is extant in the *White Tower*) to the King, to deſire his Royal protection for ſome Freers-mendicants of a foreign Hoſpital, to grant them a convenient Houſe, and liberty to collect the Almes of charitable perſons throughout his Realm, for relief of the poor; who afterwards drew it into cuſtome in ſucceeding-times.

GREGORIUS Epiſcopus ſervus ſervorum Dei, chariſſimo in Chriſto filio illuſtri Regi *Angliæ*, ſalutem & Apoſtolicam benedictionem. Quanto magis majus eſt Chriſti pauperibus gaudium cum eis gratia hoſpitalitatis impenditur, & ſuis neceſſitatibus miſericorditer ſubvenitur, tantò id facienti ſalubrius, & omnium bonorum retributorum acceptius pro certo eſſe credimus, & ſperamus. Nos igitur ad hujus pietatis opera tuam ſalutem optantes, Celſitudinem Regiam fiducialiter invitamus, monentes, & obſecrantes in Domino Ieſu Chriſto, quatinus dilectos filios, fratres Hoſpitalis de *Alto paſſu*, qui ad ſuſtentationem pauperum totaliter ſe effundunt, doctrina Dominica eruditi, habens divinæ retributionis intuitu pro noſtra & Apoſtolicæ ſedis reverentia commendatos, eis per totam terram tuam provideas in ſecuro conductu, ipſiſque domum aliquam quæ hoſpitalitati conveniat ad opus hoſpitalis ipſius liberali pietate concedas, ut per hoc ſanctarum orationum quæ in Hoſpitali prædicto ad Dominum jugiter offeruntur, particeps effici valeas, et locus tibi inter juſtorum agmina præparatur æternus. Dat. *Interimni* 12 Kal. *Decembris*, Pontificatus noſtri anno decimo. Anno 21 H. 3. in Turri London.

The Abbot of St. *Savjours* of *Blavia* in *Gaſcoigne*, as the Popes Delegate, having denounced a ſentence of Excommunication and Interdict againſt the Earl of *Tholouſe* and *William A. de Tantalo*, the Kings Subject, on behalf of the Prior of *Manſo*, whom they baniſhed and deprived of his Lands and Goods, for oppoſing and acting againſt them by the Popes command, and refuſing to make reſtitution of them to the Prior according to his ſentence; he thereupon revived and aggravated his ſentence of Excommunication againſt them, and all places, perſons that ſhould harbour, or any wayes converſe with, or aſſiſt them. Which they notwithſtanding contemning, the Abbot thereupon certifying the King of this their contempt, deſired and required him to compel *William A. de Tantalo*, being his Subject, to obey his ſentence, in making reſtitution to the Prior according to the ſentence, or elſe to enforce him thereto by his ſecular power, by ſeiſing his Caſtles and Lands, or by any other means, till he performed his ſentence; threatning to denounce a ſentence of Interdict againſt all the Kings Lands and Subjects in *Gaſcoigne*, in caſe he neglected to do it: Whereupon the King iſſued forth this Writ to his Seneſchal of *Gaſcoigne*, to ſeiſe his Lands and Goods, if he made not reſtitution to the Prior within 40 dayes after admonition to do it; as this memorable Record (diſcovering the inſolency, tyranny of Popes Legates and Delegates over Kings, Earls perſons, Lands and Subjects) informs us.

REX Seneſcallo ſuo *Waſconiæ*, ſalutem. Litteras dilecti nobis in Chriſto Abbatis Sancti *Salvatoris* de *Blavia* recepimus in hac forma: *Illuſtriſſimo Domino* H. *Dei gratia* Anglorum *Regi*, P. *divina miſeratione Abbas Sancti* Salvatoris *de* Blavia, *ſalutem*, et Apoſtolicis obedire mandatis. Cum auctoritate ſedis Apoſtolicæ qua fungimur in hac parte, ſententias latas *pro venerabili viro* R. D. *Priore de* Manſo *ac Decano* Burdegalenſi *contra Comitem* Toloſanum. & Willielmo A. *de* Tantalo *hominem veſtrum*, & *Seneſcallum ipſius Comitis*, *contra reſtitutionem ipſius Villæ de* Manſo, *Juſticiario Seculari*, & *aliis ad plenum dominium ejuſdem Villæ ſpectantibus*, *cum fructibus ex præmiſſis medio tempore perceptis*, & *dampnis*, & *expenſis*, et excommunicationes in perſonam Comitis memorati, et Willielmi A. *de* Tantalo Seneſcalli ejuſdem Comitis, et Interdicti ſententiam in totam terram ipſius Comitis, et etiam in quemlibet alium locum ad quemcunque ipſum Comitem contingeret devenire quamdiu ibidem exiſteret præſes, eidem confirmavimus Juſticia mediante, et ipſe Comes et prædictus W. A. ab errore ſuo et contumacia minime reſilirent. Nos tamen Pat. 21 H. 3. pars 1. m. 3. dorſo.

An. 21 H. 3. Archidiaconi nobilitate & genere, morum honestate, necnon & liberalitate & hospitalitate, quas exercet, regionis etiam consuetudine quæ majores requirit expensas, onere etiam dicto Archidiaconatui circa expensas annexo, maximè pro eo quòd quasi nobile membrum et principale *Norwicensis* Ecclesiæ, & tanquam unus de majoribus, inter omnes post Episcopum idem ratione Archidiaconatus censeatur, ac aliis ejusdem meritis, conditionibus, ac circumstantiis diligenter consideratis, ob reverentiam sedis Apostolicæ et ipsius mandatorum, præter proventus Archidiaconatus & alia quædam præoptenta Beneficia, authoritate Apostolica decernimus eidem Archidiacono forè supplend. ut redditus Centum librarum sterlingorum sub communi æstimatione in Ecclesiasticis Beneficiis, etiamsi curam animarum habeant annexam, in supplementum congruæ sustentationis recipere valeat, & ea cum præmissis licitè retinere; Et ne præmissa in posterum revocentur in dubium, præsentem paginam patenter duximus consignandam. Actum anno ab Incarnatione Domini 1236. septimodecimo die mensis *Junii*, Pontificatus nostri anno decimo.

In the Plea-Rolls in the *Tower* (Term. *Mich.* An. 20 & 21 *H.* 3.) I meet with these Actions and Attachments for holding Plea in *Court Christian* of Debts and Chattels which concerned *Testaments* or *Marriage*, and likewise of *Lay-fee* against the Kings Prohibitions.

Plac. An. 20 & 21 Hen. 3. in Turri Lond.

——————de Hulles *optulit se quarto die versus* Johannem *Archiepiscopum* Cantuar. *Magistrum* Lucam de Brie, *& Magistrum* Willielmum de Halyngberge, Alexandrum de —————— *&* Aliciam *uxorem ejus*, Johannam *&* Lorettam *sorores ejusdem* Aliciæ, *de Placito*, quare tenuerunt placitum in Curia Christianitatis de Catallis et Debitis quæ non sunt de Testamento vel Matrimonio, &c. *Et de placito quare prædicti* Alexander, Alicia, Johanna, *&* Loretta secuti fuerunt idem Placitum in eadem Curia contra prohibitionem, &c. *Et ipsi non venerunt. Et præceptum fuit Vicecom.* quod Attach. eos, &c.

The like Suits for holding and prosecuting Suits in *Court Christian* against Prohibitions for the like Cause, I find in the same Plea-Rolls the same Term, brought and prosecuted by *Galfridus le Cave & Rogerus le Cave*, versus *Johannem* Priorem de *Caresbrok*. By Esson. *Rogeri* filii *Stephani de Chalke* versus *Clementem de Tyculfyde.*

Wiltes. *Reginaldus Laurence* obtulit se 4 die versus *Johannem Cavenard*, &c.

Sussex. *Magister* Thomas de Burn *&* Ricardus *Vicarius Ecclesiæ de* Kyngeston Attach. fuerunt, ad respondendum Roberto Fagy de placito, quare tenuerunt placitum in Curia Christianitatis de Catallis et Debitis quæ non sunt de Testamento vel Matrimonio contra prohibitionem, &c.

Et unde idem Robertus *queritur*, quod cum prædicti Thomas *&* Ricardus tenuissent placitum in Curia Christianitatis, de eo quod idem Robertus diffamasse debuit quendam —————— et ipse die, &c. in præsentia, &c. postcrisset eis Regiam prohibitionem, ne placitum illud tenerent: Ipsi spreta Regia prohibitione, nihilominus placitum illud tenuerunt in Curia Christianitatis; et ipsum postea ab ingressu Ecclesiæ suspenderunt, et postea excommunicaverunt: in contemptum Domini Regis, &c. Unde dicit quod deterioratus est, et damnum habet ad valentiam decem Librarum. *Et inde producit sectam*, &c.

Et Thomas *&* Ricardus *per Attornatum suum venerunt*; *Et dicunt*, quod non debent ei ad hoc breve respondere, *quia dicant, quod cum prædictus* Robertus per breve suum asserat ipsos tenuisse placitum in prædicta Curia Christianitatis de Catallis et Debitis quæ non sunt de Testamento vel Matrimonio, &c. *Et in narratione sua dicit* ipsos tenuisse placitum de Diffamatione, &c. quæ mere spectat ad Curiam Christianitatis, &c. *Et petunt judicium*, &c. *Et* Robertus *non potest hoc dicere. Ideo consideratum est quod* Robertus *nihil capiat per Breve suum, sed sit in misericordia pro falso clameo: Et prædicti* Thomas *&* Ricardus *inde sine die*, &c. *Condonatur per Justic. quia pauper*, &c.

Warwic. Robertus le Provost *de* Hunyngham *optulit se versus Magistrum* Hugonem Sancar. *&c.* quare secutus est Plac. *&c.* de Catallis, *&c.* quæ non, *&c.*

* Mat. Paris. Hist. Angl. p. 420, 421. Mat. Westm. pag. 143, 144.

Tom. 2. p. 486. l. 12. after *Templarius*, adde; * *Mat. Paris* relates, That *Anno Domini* 1237. *qui est annus Regis* Henrici *tertii* 21. *tenuit idem Rex Curiam suam ad Natale apud* Wintoniam. *Misit autem continuò per omnes fines* Angliæ *scripta Regalia, præcipiens omnibus ad regnum* Angliæ *spectantibus, videlicet Archiepiscopis, Episcopis, Abbatibus, & Prioribus installatis, Comitibus & Baronibus, ut omnes sine omissione in Octavis Epiphaniæ* Londoniis *convenirent*, Regia negotia tractaturi totum regnum con-

contingentia. *Quod audientes Magnates, Regiis præceptis continuò paruerunt; credentes se vel Imperialia vel alia ardua negotia provisuros. Venit igitur die Sancti* Hilarii Londonias *infinita Nobilium multitudo, scilicet* regni totalis universitas. *Et cum voluntatem Regis audituri, in Regio Palatio* Westmonasterii *consedissent; surrexit in medio* Willielmus de Kæle *Clericus ac Domini Regis familiaris, vir quidem discretus &* legum terræ peritus, *ut quasi mediator inter Regem & regni Magnates, Regium propositum & voluntatem in publicum propalaret. Ait igitur;* Mandat vobis Dominus Rex, quod hactenus quicquid fecerit, ex hoc nunc & amodo, vestrum omnium, quasi fidelium & naturalium hominum, consiliis se subdet indubitanter. Veruntamen illi qua sua tractantes, sui thesauri custodes hactenus extitêre, infidelitèr computum pecuniarum omnium reddiderunt receptatum. Nunc idcirco Dominus Rex, pecunia penitus destitutus, sine qua quilibet Rex extat desolatus, auxilium a vobis simpliciter postulat pecuniæ. Ita videlicet, ut illa pecunia ad beneplacitum vestrum collecta, secundum dispositionem aliquorum vestrum ad hoc electorum, in usus regno necessarios reservetur expendenda. *Quod verbum cum omnes & singuli, nil tale expectantes, graviter acceperunt murmurantes*, Alter in alterius jactantes lumina vultus, *dixerunt ad invicem*: Fuderunt partum montes, en ridiculus mus! *Et indignantes responderunt*; se undique & sæpè nunc vicesima, nunc tricesima, nunc quinquagesima gravari promittendo & persolvendo; asserentes, indignum nimis fore et injuriosum, permittere Regem tam leviter seducibilem, qui nunquam unum ex inimicis regni, etiam minimum, repulit, vel exterruit, nec fines regni unquam ampliavit, sed arctavit, et alienis subugavit; ut a naturalibus hominibus suis, quasi a servis ultimæ conditionis, in detrimentum eorum, et alienorum juvamen, tantam pecuniam, tot, toties, extorquere argumentis. *Quod cum Rex audisset, cupiens murmur hoc sedare generale*, pollicebatur sub jurejurando, se nunquam amplius Nobiles regni injuriando lacessere, vel molestare; dummodo sibi ad præsens tricesima pars mobilium *Angliæ* benignè concessa solveretur; quia paulò ante multa pecunia, quam Imperatori miserat, suum thesaurum in magna parte (*ut asseruit*) pro matrimonio sororis suæ, & iterum in proprio, mutilaverat. *Ad quod non tacitè responsum fuit*, quod hæc omnia sine consilio fidelium suorum fecerat, nec debuerant esse pœnæ participes, qui fuerant à culpa immunes. *Secesserunt tandem in locum seorsum secretiorem, ut Regiæ exactioni contemperantes, & exgentiæ satisfacientes, inirent consilium de modo & quantitate juvaminis, quod exigebatur, contractando. Secedentibus igitur illis seorsum*, Gilebertus Basset *Regi in communi dixit audientia, minus quam deceret in verbo circumspectus*: Domine mi Rex, mittatis aliquem de vestris, qui interfit illorum, *scilicet* Baronum vestrorum, colloquio; *sedebat enim ille, dum hæc diceret, Regi paucis intermediis collateralis. Ad quod ex alia parte respondit* Richardus de Percy, *qui in colloquio Magnatum extiterat, non sine causa stomachatus*; Quid est, amice *Gilberte*, quod dixisti? nunquid & nos alieni, & non de Regis amicis sumus? *Et reprehensus est* Gilbertus *in verbo illepido & repentino. Et sic acceptationibus multiplicatis, protractum est colloquium in moram quadriduanam.*

Rex vero admodum perturbatus, suorum cupiens Baronum sibi gratiam conciliare, se ex tunc deinceps, quicquid factum fuerat antea, dedit se consilio fidelium ac naturalium hominum suorum. Præterea, de hoc quod dicebatur, quod conabatur ea quæ concesserat, et Chartis confirmâverat, * per authenticum summi Pontificis infirmare: *dicebat Rex*, hoc falsum esse. Et si tale quis forte fuerat suggestum ei, in irritum affirmavit, seque talia penitus revocare. Præterea, sereno vultu, et spontanea promisit voluntate, libertates Magnæ Chartæ suis fidelibus regni sui, ex tunc inviolabiliter observare. Et quia videbatur non penitus immunis a sententia, quam tulerat Archiepiscopus Stephanus cum omnibus Episcopis Angliæ, in omnes violatores præfatæ Chartæ, quam malo consilio fretus in parte læserat, fecit in publico innovare sententiam præparatam, in omnes ejusdem Chartæ contradictores aut violatores. Sic, ut si ille per aliquem conceptum rancorem forte eam non observaret, in latam sententiam gratius recidivaret. (Thus did the King voluntarily subject himself to the Excommunication and Censure of his Bishops, as well as his other Subjects, to procure their favours and a supply of his pressing publick necessities.) *Unde factum est*, ut omnium corda hæ audientium, sibi mirabiliter in verbo illo conciliavit. *Et deliberatum est*, quod videretur durum, subito consilium quod in præsentiarum habuit, ab eo quasi reprobum sequestrare, *appositione aliquorum Magnatum additorum illud roboraruut, adjungentes ei Comitem* Warenniæ, Willelmum de Ferrariis,

An. 21 H. 3.

Nota.

* As K. John his Father did, Tom. 2. p. 240, to 244.

An. 21 H. 3. rariis, & Johannem *filium* Galfridi. Et fecit eos Rex jurare quod nullo modo muneribus, vel aliquo alio modo a via veritatis deviarent, quin darent ipsi Regi sanum et salubre regno consilium, sicut antea fecerat Rex apud Windlesores. Concessa est igitur benigne tali conditione Regi ea vice tricesima regni pars, *omnium scilicet mobilium, ad thesaurum suum restaurandum; salvis tamen unicuique auro suo & argento, equis & armis, in Reipublica utilitatem expendendis. Quæ pars tricesima, sub hac forma per quemlibet Comitatum diligenter colligetur. Eligendi sunt quatuor fide digni Milites, cum Clerico, quem Rex illis addet in unoquoque Comitatu, & jurati de fidelitate una cum Clerico Regis, pecuniam colligent; & collecta reponetur in Abbatia, sacra Æde, vel Castro: Ut si forte velit Rex a proposito (quod tamen absit) resilire, & reddatur unicuique quod suum est, fideliter distributum.* Consentientibus igitur primum Archiepiscopo Cantuariensi cum suis Episcopis et Clero, sub hac conditione concessa est Regi tricesima mobilium regni ab omni Prælato, secundum tenementum Baroniæ suæ, et Milite, per totum regnum generaliter colligendum. *Sæpè tamen annexum fuit in conditione*, quod ex tunc et deinceps consilio alienigenarum, (especially of *Othobon*, and other the Popes Legates, who most swayed, infatuated him, and pillaged his Subjects) qui semper sui, non regni amici esse consueverunt, et regni bona distrahere, non adunare, et omnium innaturalium derelicto, suorum fidelium et naturalium hominum consiliis adhærebit. *Et sic soluto Concilio, non sine interiori murmuratione & multa concepta indignatione, eo quod cum difficultate tanta Regis animum ad salubre consilium contorquerent, & consiliis eorum, à quibus omnem honorem terrenum habet, obsecundarent, ad propria quisque remeavit.*

The King in pursuance of his promise to the Bishops and Nobles in this Parliament, for the salvation of his soul, *and exaltation of the Church*, &c. re-confirmed the Great Charter of Liberties, and of the Forest, being now of full age, notwithstanding they were made during his minority, by this Charter enrolled in his *Charter-Roll* of that year (in the *Tower* of *London*) not formerly published to my knowledge.

Cart. An. 21 H. 3. m. 7. n. 4. Carta de Libertatibus.

REX omnibus Christi fidelibus præsentem Cartam inspecturis, salutem. Sciatis, quod intuitu Dei, et pro salute animæ nostræ, & animarum antecessorum & hæredum nostrorum, et ad exaltationem sanctæ Ecclesiæ, et emendationem regni nostri, concessimus & hac Carta nostra confirmavimus Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Militibus, liberis hominibus, & omnibus de regno nostro *Angliæ*, omnes libertates et liberas consuetudines contentas in * Cartis nostris quas eisdem fidelibus nostris fieri fecimus, cum minoris essemus ætatis, scilicet tam in Magna Carta nostra, quam in Carta nostra de Foresta. Et volumus & præcipimus pro nobis & hæredibus nostris, quod præfati fideles nostri & successores & hæredes eorum, habeant & teneant in perpetuum omnes libertates, & liberas consuetudines prædictas, non obstante eo quod prædictæ Cartæ confectæ fuerunt cum minoris essemus ætatis. Hiis testibus, venerabilibus patribus *E. Cantuariensi* Archiepiscopo, *P. Wintoniensi*, *J. Bathoniensi*, *R. Danolmensi*, *W. Carleolensi*, *W. Exoniensi*, *R. Saresberiensi*, *H. Elyensi*, *R. Lincolniensi*, *R. Herefordensi*, *A. Coventrensi* & *Lichefeldensi* Episcopis, *W. Valencia*, *W. Wigorniensi* Electis. *R.* Comite *Cornubiæ* & *Pictaviæ*, *Johanne* Comite *Cestriæ* & *Huntingdoniæ*, *G. Marescallo* Comite *Pembroke*, *J.* Comite *Lincolniæ*, & Constabulario *Cestriæ*, *W.* Comite de *Ferrariis*, *W.* Comite *Warenn.* *H.* Comite *Kancii*, *H.* Comite *Essexiæ* & *Herefordiæ*, *Simone de Montiforti*, *Willielmo Lungespe*, *Willielmo de Ferrariis*, *Willielmo de Vescy*, *Ricardo de Percy*, *Ricardo de Munficheth*, *Willielmo de Ros*, *Johanne Biset*, *Gileberto de Umframvill*, *Willielmo de Lancastria*, *Willielmo de Cantilupo*, *Waltero de Clifford*, *Johanne de Monemue*, *Radulpho de Mortuo mari*, *Willielmo Manduit*, *Rogero la Zuche*, *Olivero de Vallibus*, *Gileberto Basset*, & aliis. Dat. per manum venerabilis patris *R. Cicestrensis* Episcopi Cancellarii nostri apud *Westm.* 28 die *Januarii*, anno regni nostri 21.

* An. 1 & 9 Hen. 3.

Consimilem Cartam habent Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones, & omnes alii de Comitatu *Suthanton.*

The Church of S^t. *Petroch* in *Ladeford* wanting maintenance for a Chaplain to officiate therein, the King out of his Piety and Ecccleſiastical Soveraingty, granted the Tithes of the Herbage of *Dartmuth* to it, to maintain a Chaplain therein, by this Patent.

REX

REX dedit & conceſſit Deo & Eccleſiæ Sancti *Petrochi* de *Ladeford*, & Capellano miniſtranti in eadem Eccleſia, ad ſuſtentationem ſuam quicunque pro tempore ibidem Capellanus fuerit, decimam Herbagii de *Dertemore*. In cujus rei, &c. Teſte Rege apud *Wudeſtok*, 12 die *Julii*. *An.* 21 H. 3. Pat. 21 H. 3. m. 6. intus. Pro Eccleſia S. Petrochi.

Et mandatum eſt *Hereberto* filio *Matthæi*, quod perſonæ ejuſdem Eccleſiæ decimas prædictas habere faciat. Teſte ut ſupra.

Pope *Gregory* the 9th. (*Anno* 21 H. 3.) ſent this Bull (the original of which is extant in the *White Tower*) to the King, to deſire his Royal protection for ſome Freers-mendicants of a foreign Hoſpital, to grant them a convenient Houſe, and liberty to collect the Almes of charitable perſons throughout his Realm, for relief of the poor; who afterwards drew it into cuſtome in ſucceeding times.

GREGORIUS Epiſcopus ſervus ſervorum Dei, chariſſimo in Chriſto filio illuſtri Regi *Angliæ*, ſalutem & Apoſtolicam benedictionem. Quanto magis majus eſt Chriſti pauperibus gaudium cum eis gratia hoſpitalitatis impenditur, & ſuis neceſſitatibus miſericorditer ſubvenitur, tanto id facienti ſalubrius, & omnium bonorum retributorum acceptius pro certo eſſe credimus, & ſperamus. Nos igitur ad hujus pietatis opera tuam ſalutem optantes, Celſitudinem Regiam fiducialiter invitamus, monentes, & obſecrantes in Domino Ieſu Chriſto, quatinus dilectos filios, fratres Hoſpitalis de *Alto paſſu*, qui ad ſuſtentationem pauperum totaliter ſe effundunt, doctrina Dominica eruditi, habens divinæ retributionis intuitu pro noſtra & Apoſtolicæ ſedis reverentia commendatos, eis per totam terram tuam provideas in ſecuro conductu, ipſiſque domum aliquam quæ hoſpitalitati conveniat ad opus hoſpitalis ipſius liberali pietate concedas, ut per hoc ſanctarum orationum quæ in Hoſpitali prædicto ad Dominum jugiter offeruntur, particeps effici valeas, et locus tibi inter juſtorum agmina præparatur æternus. Dat. *Interimni* 12 Kal. *Decembris*, Pontificatus noſtri anno decimo. Anno 21 H. 3. in Turri London.

The Abbot of S^t. *Savjours* of *Blavia* in *Gaſcoigne*, as the Popes Delegate, having denounced a ſentence of Excommunication and Interdict againſt the Earl of *Tholouſe* and *William A. de Tantalo*, the Kings Subject, on behalf of the Prior of *Manſo*, whom they baniſhed and deprived of his Lands and Goods, for oppoſing and acting againſt them by the Popes command, and refuſing to make reſtitution of them to the Prior according to his ſentence; he thereupon revived and aggravated his ſentence of Excommunication againſt them, and all places, perſons that ſhould harbour, or any wayes converſe with, or aſſiſt them. Which they notwithſtanding contemning, the Abbot thereupon certifying the King of this their contempt, deſired and required him to compel *William A. de Tantalo*, being his Subject, to obey his ſentence, in making reſtitution to the Prior according to the ſentence, or elſe to enforce him thereto by his ſecular power, by ſeiſing his Caſtles and Lands, or by any other means, till he performed his ſentence; threatning to denounce a ſentence of Interdict againſt all the Kings Lands and Subjects in *Gaſcoigne*, in caſe he neglected to do it: Whereupon the King iſſued forth this Writ to his Seneſchal of *Gaſcoigne*, to ſeiſe his Lands and Goods, if he made not reſtitution to the Prior within 40 dayes after admonition to do it; as this memorable Record (diſcovering the inſolency, tyranny of Popes Legates and Delegates over Kings, Earls perſons, Lands and Subjects) informs us.

REX Seneſcallo ſuo *Waſconiæ*, ſalutem. Litteras dilecti nobis in Chriſto Abbatis Sancti *Salvatoris* de *Blavia* recepimus in hac forma: *Illuſtriſſimo Domino* H. *Dei gratia* Anglorum *Regi*, P. *divina miſeratione Abbas Sancti* Salvatoris *de* Blavia, *ſalutem*, et Apoſtolicis obedire mandatis. Cum auctoritate ſedis Apoſtolicæ qua fungimur in hac parte, ſententias latas *pro venerabili viro* R. D. *Priore de* Manſo *ac Decano* Burdegalenſi *contra Comitem* Toloſanum. & Willielmo A. *de* Tantalo *hominem veſtrum*, & *Seneſcallum ipſius Comitis*; *contra reſtitutionem ipſius Villæ de* Manſo, *Juſticiario Seculari*, & *aliis ad plenum dominium ejuſdem Villæ ſpectantibus*, *cum fructibus ex præmiſſis medio tempore perceptis*, & *dampnis*, & *expenſis*, et excommunicationes in perſonam Comitis memorati, et Willielmi A. *de* Tantalo Seneſcalli ejuſdem Comitis, et Interdicti ſententiam in totam terram ipſius Comitis, et eciam in quemlibet alium locum ad quemcunque ipſum Comitem contingeret devenire quamdiu ibidem exiſteret præles, eidem confirmavimus Juſticia mediante, et ipſe Comes et prædictus W. A. ab errore ſuo et contumacia minime reſilirent. Nos tamen Pat. 21 H. 3. pars 1. m. 3. dorſo.

An. 21 & 22 Henr. 3.

tamen prout injuncto nobis auctoritate Apostolica officio debeamus, manum nostram contra ipsos durius aggravandam, ipsis iterato excommunicantes, et omnes eisdem scienter participantes comedendo, bibendo, salutando (emendo) vel modo aliquo contrahendo, eisdem facto vel verbo consilium vel auxilium impendendo eodem excommunicationis vinculo innodantes, et omnes illos qui eisdem * Juramento astricti tenebantur ab ipso Juramento, auctoritate Apostolica absolventes, quamdiu in sua pertinacia remanerent. Verum cum nos ulterius per nos facere non possimus et ipsi gladium Ecclesiæ quo utimur, more suo solito vilipendant, et prædictas sententias publicari fecerimus per Narbonensem, Arelatensem, Aquensem, et Bordegalensem Provincias, et etiam in Capella Domini Regis Franciæ fecerimus publicari, et adhuc facimus singulis Dominicis et diebus festivis, pulsatis campanis, et incensis candelis, et ipsi * adhuc ut prius, et etiam durius in rebellione sua perseverent et nequicia; et præfatum Priorem de Manso, qui tempore guerræ pro negotio pacis et fidei viriliter et potenter (non sine rerum et personarum dispendio) pro se et suis contra ipsum Comitem et pacis et fidei inimicos, noscitur laborasse, per præfatos Comitem et Willielmum A. modo extra nationem suam propriam bonis omnibus Ecclesiasticis, et mundanis spoliatus, compellitur erulare; præsertim cum ipse Comes talia faciendo, contra proprium veniat Juramentum, et ipsum in pœnam appositam in forma pacis inter Ecclesiam ex una parte et ipsum ex altera, non sit dubium incidisse. *Nos tamen oportet* * *ad aliud auxilium convolare.* Quocirca Serenitatem vestram, tanquam Dominum Ecclesiæ, monemus et exhortamur in Domino, vobis auctoritate qua fungimur Apostolica in hac parte, salva Regali magnificentia, nichilominus injungentes, quatinus dictum Willielmum A. de Tantalo spoliatorem et persecutorem Ecclesiæ Dei, et ipsius Prioris, tanquam hominem vestrum seculari brachio per occupationem terræ quam habet sub Dominio vestro, et bonorum ipsius et aliis modis quibuscunque poteritis, seculari brachio compellatis, ut exdicto Priori de Manso et Ecclesiæ suæ super præmissis plenarie satisfaciat. Alioquin, licet Regali Celsitudini vestræ deferre velimus et etiam debeamus, dicto tamen Priori deficere non possumus, quin in terram vestram et contra vestros procedemus censuram Ecclesiasticam exercendo. *Datum in Crastino S.* Johannis Baptistæ, *anno gratiæ* M. CC. XXXVII. *Quocirca vobis mandamus in fide qua nobis tenemini districtè præcipientes, quatinus visis his litteris* Willielmum A. *de* Tantalo *sub testimonio bonorum virorum moneatis, quod memorato Priori de* Manso *& Ecclesiæ suæ debita celeritate satisfaciat de præmissis. Quod si prædictus* Willielmus *infra* 40 *dies post ammonicionem factam hoc minimè fecerit, & de hoc vobis legitimè constare possit,* ipsum Willielmum per soltaliciam suam de Tantalo, et omnes alias terras et tenementa sua quæ sub dominio vestro, sine moræ dispendio compellatis, *ita quod eidem Priori de* Manso *& Ecclesiæ suæ plenariè satisfaciat de præmissis,* Mandatum nostrum in præmissis ea affectione exequentes quod diligentiam vestram debeamus habere commendatam, et quod idem Prior ad nos pro defectu vestro redire minime compellatur. *Teste meipso apud* Nottingham 9 *die* Septembris.

* Nota.

* Nota.

* Their greatest Excommunications are but contemptible without Kings temporal power to back them.

Tom. 2. p. 489. l. 44. after *utilitatem*, adde: The occasion of the Kings sending to the Pope for this Legate *Othobon*, and his proceedings in this Council, are thus briefly related by * *Mat. Westminster. Ipsis quoque temporibus, pœnituit Regem tot & tantos honores fratri suo* Richardo, *necnon &* Gilberto Marescallo, *& quibusdam aliis, qui sibi videbantur ingrati, contulisse.* Misit igitur Romam nuncios secretos et familiares ad Papam, rogans attentius, ut per Legatum in ipsum Angliæ regnum, (quod sibi specialiter spectare videbatur) quem dignaretur sine dilatione diffinire, statum regni periclitantem procuraret reformare. *Magister igitur* Otho, *Sancti* Nicholai *in Carcere* Tulliano *Diaconus Cardinalis*, venit Legatus in Angliam, *circa festum beatæ* Mariæ Magdalenæ (*Anno* 1237.) *qui postea in Octavis beati* Martini solenne celebravit Concilium London. *in Ecclesia Sancti* Pauli, *quod per tres dies continuos perduravit.* Convocatis omnibus Prælatis Angliæ & Walliæ, *Dominis* Cant. & Ebor. *Archiepiscopis*, de prima et proxima sessione a dextris ipsius Legati alterantibus, in dicto Concilio, multa ad reformationem status Anglicanæ Ecclesiæ fuerunt agitata, et quædam vetera innovata. Et ne videretur nihil fecisse, aut pro nulla Ecclesiæ reformatione in Angliam venisse, fulsit sub formidabili pœna, ut Ecclesiæ non dedicatæ dedicarentur.

* Ann. 1137. p. 146. Flores Hist. p. 146. See Henr. de Knyghton de Event. Angl. l. 2. c. 16. col. 2432.

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Tom. 2. p. 504. l. 48. after *Innovations*, adde; Pope *Gregory* the 9th. (*Anno* 22 *H.* 3. sent an insolent Bull to King *Henry*, whereby he commanded him to revoke all

all Alienations made by him to the prejudice of his Crown, and the See of *Rome*, non obſtante juramento; which * Bull as I found in the *White Tower* and reſcued from oblivion, ſo I likewiſe there found this parchment Note of three more Bulls to the ſame effect ſoon after, (tranſcribed upon ſome ſpecial occaſion) though not the Bulls themſelves. *An.* 22 H. 3. * See Tom. 2. P. 504, 505.

Tranſcriptum Bullæ *Gregorii* Papæ, per quem ortatur Regem *Angliæ*, ad revocandam alienata in præjudicium Coronæ, non obſtante juramento; cum Decreto, quod Rex non tenetur ad ejus obſervationem.

Tranſcriptum Bullæ *Gregoriæ* Papæ, quod revocet alienata, *&c.* non obſtantibus juramentum et inſtrumenta, *&c.*

Tranſcriptum Bullæ *Gregorii* Papæ, per quem mandat Prælatis et Nobilibus, quod inducerent Regem ad revocandum alienata, *&c.* et quod pareant *O.* (*Ottoni*) Cardinali, quem Papa miſit ad Regem ad injungendum ei, quod non obſtante, *&c.* ſua revocet alienata.

To which Note there is this memorable Cedule affixed, which I conjecture to be a Decree of this inſolent Pope, vacating an Act made by the King, Prelates and Nobles in Parliament but the * year before, againſt the Aliens governing or reſiding in the Realm. * See p. 93, 94.

Caſſamus illud ſtatutum factum, quod regnum Angliæ de cætero per indigenas gubernetur, necnon exirent alienigenæ non reverſuri, exceptis illis quorum moram fideles regni communiter acceptarent. Ordinantes per dominium noſtrum, quod liceat alienigenis morari in dicto regno ſecure. Et quod Rex poſſit alienigenas et indigenas vocare ſecure ad conſilium ſuum, quos ſibi viderit utiles et fideles, ſicut facere potuit ante tempus prædictum: That ſo his Legate *Otho* might thereby rule both the King and Kingdom at his pleaſure, as he did to their grand prejudice and oppreſſion. On the Dorſe whereof is written with the ſame hand, *Non oſtendatur alienigenis nec indigenis niſi Magiſtris* Ricardo de Chaddewell, & Henrico de Cantuaria, the Popes and his Legates Privy-Counſellors.

* *Mat. Paris*, and † *Mat. Weſtminſter* relate this memorable Story of Pope *Gregory*'s grand indignation againſt King *Henry* the 3d. and the *Engliſh* for ſending ayd to the Emperour *Frederick* his Brother-in-law, againſt his *Italian* Rebells, and writing an Epiſtle to this Pope, to deal more mildly with him: *Eodem anno* (1238, *An.* 22 Hen. 3.) *ſtatim poſt Paſcha, miſit Dominus Rex* Angliæ *militare præſidium* ad Dominum Imperatorem juvandum contra Rebelles ſuos in partes Italiæ ſub duratu Henrici de Trubleville, *viri in re militari peritiſſimi,* & Gulielmi *Electi* Valentini, *cum quo etiam miſit* J. Manſel, & Willielmum Hardel *Clericum* & *Civem* Londinenſem, *cum pecunia ſtipendiariis diſtribuenda. Et ſtrenuè per totam æſtatem exercitus Regis Imperatori militavit, & quorundam Civitatum Cives, volentes obſtare, vicerunt, & Imperio reddiderunt non ſine magno damno* Longobardorum, Imperio Rebellium; ubi ſtrenue dictus J. Manſel geſſit, a Rege ſtipendiatus. Quod Papa nimis moleſte tulit, unde maximam contra Anglos accepit indignationem. *Et circa idem tempus direxit* * Rex elegantem Epiſtolam Papæ, petens, ut mitius ageret cum Domino Imperatore (whom he Excommunicated, abſolving all his Subjects from their Allegiance and obedience to him, and ſtirring them up to rebell againſt him to depoſe him:) quod gravius accepit Papa, *ſecus reſpondens quam deceret*, et commotus eſt in tantam iram, ut per aliquod tempus omnia negotia, præcipue Anglicorum ſuſpenderentur. To ſuch an height of Antichriſtian inſolency was this arrogant uſurping Pope grown, that King *Henry* muſt neither aſſiſt his Brother-in-law and Ally againſt his rebellious trayterous Subjects with his Forces or Purſe, nor preſume to write to this Pope to deal more Chriſtianly and mildely with him, without incurring his high indignation, and ſuſpending all *Engliſh-mens* Suites and Affairs in the Court of *Rome*: Yet notwithſtanding his indignation for a ſeaſon; *circa idem tempus Domino Imperatore circa* Mediolanum *obſidionem continuante*, omnes fere mundi Principes, exemplum a Rege Angliæ accipientes, ei præſidium militare deſtinarunt; being all their Caſes and concernment to ayde each other againſt their rebellious Subjects, though fomented, excited, protected by Popes themſelves in their Rebellions. * Hiſt Angliæ, p. 454. † Flores Hiſt. p. 148. * Here, p. 76, 77.

The ſame year a wicked falſe *Clerk* of *Oxford* (as *Fabian* informs us) endeavouring to murder the King, was condemned, executed as a Traytor; and his Quarters ſent to, and hung up in ſeveral parts of the Realm by the Kings command

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for his Treason, notwithstanding his sacred Orders, as *Mat. Paris*, *Mat. Westminster*, and others thus register to posterity, for the terror of all other Traytors.

* Eodem anno accidit Regi periculum omnes audientes reddens nimis attonitos; in crastino enim Nativitatis *Mariæ*, (circa festum Sancti *Matthæi*, quidam facinorosus Pseudoclericus, (as *Mat. Westminster*, *Ranulphus Cestrensis*, *Henry de Knyghton* and others style him;) though *Mat. Paris* for the Clergies honour terms him, Armiger quidam literatus (*ut dicitur*) venit ad Curiam Regis apud *Wodestok*, infatuatum se simulans, donec secreta diverticulorum exploraſſet in Curia Regis, dicens Regi, Resigna mihi Regnum quod injuste usurpasti. Addidit quoque, quod signum Regale gestabat in humero; Quem cum ministri Regales arripuissent, volentes eum baculatum à præsentia Regis propellere, Rex irruentium in eum impetum compescuit: dicens, *Sinite infatuatum, ut talem decet, desipere; verba enim talium carent pondere veritatis.* Media autem nocte, ecce ille idem per fenestram *Regii* thalami introgressus, cultellum portans extractum, lectum Regis adiit furibundus; quem cum non invenisset, confusus est, Rege & Regina in alia camera, divina eos protegente clementia, eadem nocte decubantibus. Festinus igitur quæsivit eum per plura thalami diverticula. Erat autem tunc temporis, Domino providente, Rex quiescens cum Regina. Quædam autem puella Reginæ, cum forte vigilaret *Psalterium psallebat ad candelam*, erat enim sancta & Deo devota, nomine *Margareta Briseth.* Ita cum videret prædictum furibundum, omnia abdita ut Regem jugularet, perscrutari, & voce terribili, *ubi Rex esset*, percunctari, attonita nimis cœpit clamare. Ad cujus clamorem terribilem ministri Regales expergefacti festinanter prosiliunt occurrentes, & ostium, quod ipse latro repagulo firmiter obseraverat, confringunt, & ipsum repugnantem arripiunt, vinculis astringunt arctius angustis. Qui tandem ore polluto confessus est, Se missum illuc, ut Regem moze assassinarum occideret, a *Willielmo de Marisco*, filio *Galfridi de Marisco*, alios quoque in idem facinus asseruit conspiraſſe. Quo cognito, Rex eum, quasi Regiæ Majestatis occisorem, membratim laniatum apud *Coventre*, post modicum temporis intervallum, exemplum terribile, et spectaculum lamentabile præbere jussit omnibus audientibus talia machinari. Primo enim equis distractus, postea decollatus, et corpus in tres partes divisum est. *Quælibet enim pars per suam de majoribus *Angliæ* Civitatem portata est, et postea Cruci appensa latronali; notwithstanding his *Clerk-ship.*

* *Cujus partes ad majores regni Civitates in tanti sceleris memoriam missæ sunt, distrahendæ & suspendendæ*, Matth. Westm. p. 149.

In the *Placita Assisarum* (in the *Tower*) before the Justices itinerant, *de Termino S. Hill. anno* 22 H. 3. I find these following Suits and Attachments against several Persons for prosecuting and holding Suits in Ecclesiastical Courts against the Kings Prohibitions, for Goods and Chattels whereof they had no legal Conusance.

Plac. Assisarum An. 22 H. 3. in Turri London.

Rot. 4. Cumberland. *ff.* Radulphus de Liminton Attach. fuit ad respond. Thomæ de Mulclere et Willielmo de Ireby de Plac. quare secutus est plac. in Curia Christianitatis, de catallis ipsorum quæ non sunt, *&c. Venit coram Justic. & per licentiam invenit plegios*, quod amodo non sequet aliquod placit. in Curia Christianitatis quod tangat Coronam Domini Regis.

Rot. 8. Bedf. *ff.* Willielmus *filius* Henr. *Esson.* Gerardi de Furnival, *&c. optulit se* 4 *die vers. Priorem de* Bitmede, de Plac. quare secutus est placitum in Curia Christianitatis de catallis, *&c.* quæ non sunt de Testamento vel Matrimonio, *&c.* et fuit attachiatus, *&c.*

Rot. 9. Essex. Rogerus London. *Episcopus* Attachiatus fuit ad respondend. Godefrido de Shepeland de Plac. quare tenet placitum in Curia Christianitatis de catallis quæ non sunt, *&c.* et contra Prohibitionem, *&c. Et unde idem* Godefridus *queritur*, quod idem Episcopus trahit eum in plac. Curiæ Christianitatis, *& petit ab eo catalla ad valenc.* xj. s. occasione cujusdam divortii *celebrati inter ipsum & quandam mulierem quam ipse desponsaverat; & imponit ei, quod catalla ea fuerunt ejusdem muliris, unde deterioratus est, & damnum habet. Et Episcopus venit*, et quia manifestum est, quod catalla illa sunt de Matrimonio *sicut idem cognoscit, consideratum est*, quod Episcopus eat sine die, et procedat in causa si voluerit; *Et* Godefridus *in misericordia. Pauper est.* Et dictum est Episcopo, quod rationabilem faciat taxacionem de prædictis catallis inter ipsum Galfridum et prædictam mulierem, *&c.* ne ipse penitus amittat catalla illa, eo quod videtur (to the Judges) quod non debent omnino cedere in usus ipsius mulieris. In which Case the Kings Justices directed the Bishop how to proceed according to Equity, Law and Justice, even in the case of these Goods, whereof they granted he had Jurisdiction to hold Plea.

In

In the ſame *Placita*, *Rot.* 6. Leyceſt. Willielmus de Skilinton *optulit ſe*, &c. *verſus* Johannem *Archidiacon.* Leyceſtr. *&c.* quare tenuit placitum in Curia Chriſtianitatis de debitis quæ non ſunt, *&c.* et contra Prohibitionem, *&c.* & *verſus* Herbertum *fil.* Murrel. *quare ſecutus eſt idem placitum, &c.* et omnes in miſericordia, *&c.* for this offence. *An.* 23 H. 3.

In *Placitis apud Sanctam* Brigidam London. *de Termino S.* Trinitatis, *anno Regis* Henrici *filii Regis* Johannis 23. *in* Turre London. I met with theſe ſeveral Suites for holding and proſecuting Suites in Court Chriſtian for *Lay-fees*, and for Chattels and Debts which concerned not Teſtaments or Matrimony, againſt the Kings Prohibitions.

Johannes de Brok *per Attornatum ſuum optulit ſe* 4 *die verſus* Thomam *Archid.* Toton. *& Magiſtrum* Regin. *Officialem ejus, de placito*, quare tenuerunt placitum in Curia Chriſtianitatis de laico-feodo ipſius Johannis in Radeclive, *&c.* contra prohibitionem, *&c.* *& verſus* Henr. de Hyll *de placito*, quare ſecutus eſt idem placitum in Curia, *&c.* contra, *&c.* *Et ipſi non venerunt*, &c. *Et Vic. mandavit quod Clerici ſunt, & non habent laicum feodum per quod poſſint diſtringi*, &c. *Et ideo mandatum Epiſcopo* Exon. quod faciat eos venire a die Sancti Michaelis in 15 dies, *&c.* Rot. 5. dorſo. Devon.

Magiſter Radulphus de Maidenſtan Attach. fuit ad reſpondendum Thomæ Burdun, de placito, quare ſecutus eſt placitum in Curia Chriſtianitatis de laico feodo ipſius Thomæ in Wyham, contra prohibitionem, *&c.* *Et unde idem* Thomas *queritur*, quod ipſe trahit ipſum in placitum *de quodam Chimino in* Wyham; *& unde deterioratus eſt*, et dampnum habet ad valenciam centum ſolid. *Et inde producit ſectam*, &c. Rot. 8. Eſſex.

Et Magiſter Radulphus *venit & defendit contra ipſum & ſectam ſuam*, quod nunquam poſt Prohibitionem implacitavit eum, *&c.* de aliquo laico feodo, nec ante Prohibitionem; *ſet cognovit quod convenit eum ſuper* violenta manuum injectione: *Et ideo conſideratum eſt, quod vad. legem ſe* 12 *manu*; *& veniat cum lege à die Sancti* Michaelis *in tres ſeptiman. Pleg. de lege* Philippus de Wendover *&* Matthæus de Hanckeſton.

Thomas *filius* Walteri *&* Iſolda *uxor ejus* Attach. fuerunt ad reſpondendum Ricardo Maſcelin et Matil. *uxori ejus* de placito, quare ſecuti ſunt placitum in Curia Chriſtianitatis de laico feodo ipſorum Ricardi, et Matildi, in Staniſtratford, contra Prohibitionem, *&c.* *Et unde idem* Ric. *et* Matil. *queruntur*, quod cum ipſi tuliſſent Regiam prohibitionem quod non ſequerentur placitum illud, *ſcilicet, die Sancti* Gregorii *prox. præterito. Idem* Thomas *et* Iſolda, ſpreta Prohibitione, nichilominus ſecuti ſunt placitum illud, *&c.* unde deteriorati ſunt et dampnum habent ad valenciam 40 ſol. *Et inde producunt*, &c. *Queruntur eciam*, quod fecerunt eos iunodari vinculo Excommunicationis, &c. Rot. 10. dorſo. Buk.

Et Thomas *et* Iſolda *venerunt et defendunt*, quod nunquam ante nec poſt ſecuti ſunt placitum illud contra ipſos, *&c.* *nec ammodo ſequentur. Et inde invenerunt Plegios* Laur. del Brok. *et* Michaelem de Lerm. *Et dictum eſt eis quod faciant eos abſolvi*, &c.

Robertus le Faucuner *et* Willielmus de Wineſtanſtanne *opt. ſe* 4 *die verſus* Simonem de Cormeges *de placito*, quare ſecutus eſt placitum in Curia Chriſtianitatis de laico feodo ipſorum Roberti et Willielmi in Henr. contra prohibitionem, &c. *Et* Simon *non venit. Et præceptum fuit Vic.* quod Attach. eum. *Et Vic. mandavit quod* Clericus eſt, *et non habet laicum feodum per quod*, &c. *Et ideo mandatum eſt Archiepiſcopo* Cantuar. quod faciat eum venire *in craſtino Sancti* Martini, *&c.* Rot. 15. dorſo. Suſſex.

Samuel de Melles Attach. fuit *ad reſpondendum* Erniſ. de Dunheved *de placito*, quare ſecutus eſt placitum in Curia Chriſtianitatis de laico feodo ipſius Ernis *in* Dunheved, contra Prohibitionem, &c. *Et unde idem* Erniſ. *queritur*, quod homines falcabant *Fannum* in quadam *Bruera* quam habet in Dunheved, Samuel *venit*, et propter hoc Excommunicavit homines ſuos, et trahit eos in placitum in Curia Chriſtianitatis. Et unde deterioratus eſt ad valenciam, &c. Sumerſ.

Et Samuel *venit et defendit, quod nunquam ſecutus eſt placitum in* Curia Chriſtianitatis, *ſet revera dicit*, quod petit decimas illius *Fanni* in Dunheved quando falcatum fuerit; *Et* Erniſius *bene concedit*, quod ipſe habeat decimas vel perſona de Dunting. in cujus parochia *Fannum* illud eſt, et hoc alias conceſſit, *ſicut patet in Rotulo Sancti* Michaelis, *an. r. H.* 3. 23. *Et ideo ſine die*, &c.

Robertus Mareſcal *opt. ſe* 4 *die verſus* Radulphum Purcel *de placito*, quare ſecutus eſt placitum in Curia Chriſtianitatis de catallis, *&c.* quæ non ſunt de Teſtamento Rot. 4. Staff.

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An. 23 & 24 Hen. 3.

vel Patrimonio, &c. contra Prohibitionem, &c. Et Radulphus *non venit*, &c. *Et præceptum fuit Vic. quod Attach. eum: Et Vic. mandavit quod idem* Radulphus *Clericus est, & non habet laicum feodum per quod*, &c. *Et ideo mandatum est Archid.* Stafford. *quod faciat eum venire à die Sancti* Michaelis *in* 15 *dies*, &c.

Rot. 12. dorso. Norff.

Simon de Thoftes, *et Magister* Walterus de Thoftes, *et* Stephanus *Persona de* Lineford Attach. fuerunt ad respondendum Roberto de Tunnelton *de placito*, quare secuti sunt placitum in Curia Christianitatis de catallis quæ non sunt, &c. contra Prohibitionem, &c. *Et unde idem* Robertus *queritur*, quod ipsi petunt ab eo in Curia Christianitatis 6 marcas, quas Willielmus de Thoftes ei commisit ad emendum duas marcas redd. &c.

Et Simon *et alii venerunt, et benè cognoverunt quod ipsi implacitaverunt in* Curia Christianitatis, *et quod petunt ab eo* prædictas 6 marcas nomine Testamenti prædicti Willielmi de Toftes, eo quod idem Willielmus in ultima Voluntate sua eas legavit, quia prædictus Robertus non emit inde redditum prædictum: *Et* Robertus *non potuit hoc didicere, et cognovit quod ipse recepit Denarios illos. Et ideo dictum est prædictis* Simoni *et aliis*, quod ipsi procedant in placito prædict. non obstante Prohibitione prædicta. *Et* Robertus *in misericordia.*

Rot. 23. Buk.

Isabella *quæ fuit uxor* Willielmi de Lanleg Attach. fuit *ad respond. Abbati de* Woburn *de placito*, quare secuta est placitum in Curia Christianitatis de catallis quæ non sunt, &c. contra Prohibitionem, &c. *Et unde idem Abbas per Attorn. suum queritur*, quod trahit ipsum in Curiam Christianitatis in placitum, *et petit ab ipso* 22 *Marcas ex una parte, et* 100 *Solidos ex alia*; unde deterioratus est et dampnum habet ad valenciam 40 Marcarum.

Et Isabella *venit et defendit*, quod nunquam post Prohibitionem vel ante secuta est placitum illud in Curia Christianitatis de aliquibus catallis quæ non sunt de Testamentis. Immo de catallis quæ sunt de Testamento prædicti Willielmi quondam viri sui: *Et hoc idem continetur in edicione quam idem Abbas inde profert.* Et ideo Abbas in misericordia. *Et dictum est* Isabellæ, quod non sequatur versus eum in Curia Christianitatis de aliquibus catallis, nisi sint de Testamento, &c.

Rot 26. Bedf.

Johannes de Aberton, &c. Attach. fuit ad respondendum Thomæ de Hoile de placito, quare secutus est placitum in Curia Christianitatis de catallis ipsius Thomæ quæ non sunt, &c. contra Prohibitionem, &c. *Et unde queritur*, quod ipse exigit ab eo 4 bussell. ordei, et 4 bussell. fabarum; unde deterioratus est et dampnum habet ad valenciam 20 sol. *Et inde producit sectam, &c.*

Et Johannes *venit et defendit contra ipsum et sectam suam*, quod nunquam post Prohibitionem implacitavit eum in Curia Christianitatis de aliquibus catallis, &c. *Et ideo consideratum est quod vadiet legem se* 12 *man. Et veniat cum lege in adventu Justic.* &c.

Rot. 27. dorso. London.

Petrus de Bedinton *ept. se*, &c. *versus Magistrum* Johannem *Officialem Archid. L. de placito*, quare tenuit placitum in Curia Christianitatis de debitis quæ non sunt de Testamento, &c. contra Prohibitionem, &c. *Et versus* Elyam de Wudcote *de placito*, quare secutus est idem placitum contra, &c. *Et ipsi non venerunt*, &c. Et Officialis attach. fuit per Johannem de Ory, et Ricardum fratrem ejus: Et Elyas Attach. fuit per Radulphum de Gardino et Walterum Milkpote. Et ideo ponantur per mel. pleg. quod sint in Octabis Sancti Michaelis, *et primi*, &c.

An. 24 H 3.

Tom. 2. p. 552. l. 2. after *related*, adde: by * *Mat. Westminster: Sub eisdem temporibus* (An. 24 *H.* 3.) *videns Imperator*, quod Papa Concilium convocaverat ad dejectionem super hoc, quod idem Papa secularе brachium, et præcipue hostium Imperii publicorum in auxilium ejus advocavit, et formam convocationis, secus quem prælocutam fuerat, alterabit; pœnituit eum in hoc consensisse, ut Concilium convocaretur. Et resiliens, significavit Regi Anglorum, ut muniret omnes regni sui Prælatos ex parte Imperatoris, (by his Imperial Soveraignty) ne venirent ad illud generale Concilium (the antient undoubted right of calling, or recalling General Councils being solely in the * *Emperour*, not Pope) in personis et rebus securitatem in ditione sua penitus denegantis, et nolentis ubi præsidebit inimicus ejus capitalis, causam committere dubio foro tam excellentem. Dominus Papa, ei contra scripsit; *significans eisdem Prælatis*, ut humanis minis postpositis, Patri suo spirituali obedienter et obsecundarent, nec omitterent quin ad Concilium communiter venire ad terminum statutum properarent. Unde Episcopi fluctuantes in proposito, quid agendum foret, dubitabant. * *Nonnulli verò Episcoporum*

* Mat. Westm. Anno 1240. p. 157, 160, 161.

* See Here, p. Tom. 1. p 60, to 75. 106, 102, 118, 119, 122.

* Mat. Westm. An. 1141. pag. 158, 160, 161.

ſoporum regni Angliæ, *& quidam Abbates mare tranſierunt*, (notwithſtanding the Emperours prohibition upon the Popes contrary command) *ut ſi aliquo modo pateret tranſitus per terram vel per mare*, venienti ad Concilium, præceptis Apoſtolicis ſatisfacturi, illuc properarent. But obſerve the iſſue of their and other Biſhops obedience to the Popes commands. *Imminente tempore æſtivali*, Otho, *quandoque Legatus in* Anglia, *& qui Legatus fuerat in* Francia, (with other Legates) infinitam ſecum Prælatorum trahentes multitudinem, *naves aſcenderunt apud* Genuam *Civitatem, ut ſub Ducatu* Genuenſium *ſalvo ad Concilium pervenirent.* Ad quos animandos Papa unum Legatum deſtinaverat, qui ab eodem Papa poteſtatem acceperat, omnes imminenti periculo ſe oppoſituros, ab omnibus peccatis ſuis abſolvendi (which yet could not abſolve them in the Court of Heaven or Earth from their diſobedience to the Emperor, againſt * *Solomon's*, Saint † *Paul's* and *Peter's* expreſs Precepts, as the event did evidence:) *Sed cum omnes vaſto mari ſe commendaſſent, venerent eis obviam piratæ Imperiales*, qui omnes ſub captione miſerabili concluſerunt, et multos ex eis vel ſubmerſerunt, vel irreverenter trucidarunt. Quos autem acceperunt, poſt longos maris tractus ſub caumate intollerabili aduſtos, ſub vinculis et arcta cuſtodia (notwithſtanding their Legatine Robes, Cardinal Caps, Epiſcopal Rochets, and pretended priviledges) Neapolim (ubi ex præcepto Imperatoris carceri ſunt addicti) in totius Eccleſiæ dedecus et ignominiam, pertrahunt. *Facta autem fuit hæc infauſta navalis congreſſio, die Sancti* Marci *Evangeliſtæ*; (ever honoured by this remarkable victory over theſe contumacious Popiſh Legates and Prelates.) * *Interim duo Papales exactores* Petrus *videlicet* Rubeus, *Domini Papæ conſanguineus & familiaris (talis enim erat titulus Epiſtolarum ſuarum)* & Petrus de Supino (through the Kings ſupineſs) *per* Angliam, Scotiam, & Hiberniam, pecuniam infatigabiliter ad opus Domini Papæ exquiſitis argumentis abgadere non ceſſant, Rege vero hæc omnia malo nimis conſilio permittente. Whereupon, Imperator ſcripſit Regi Angliæ elegantem Epiſtolam, in qua increpat Regem, quod in perniciem regni ſui, et imperii, terram ſuam, per Papales quæſtionarios depauperari, et ipſum ſolenniter excommunicari permittit, qui magis rationabilem quam alii Principes Chriſtiani, haberet excuſationem huic præcepto Domini Papæ reſiſtendi, eo quod ſororius exiſtit Domini Regis. * *His denique temporibus*, abſolvebatur quicunque vellet, pro pecunia cruceſignatus, prædicantibus et illud perſuadentibus ex præcepto Papæ, fratribus tam Minoribus quam Prædicatoribus; ita, ut multi hodie cruceſignati in craſtino a voto ſuo, data, quam * poſſent pecunia, non ſine multorum admiratione abſolverentur per Prædicatores et Minores, in ſcandalum Eccleſiæ, et ordinis ipſorum. This being a mere impious Papal cheat to pick their Purſes to maintain the Popes wars againſt the Emperor, (inſtead of reſiſting the *Saracens* in the *Holy Land*,) who then took * *Viterbium* and diſtreſſed *Rome* in ira magna, ad ultionem ſuper diffamatione magna, qua nomen ſuum Dom. Papa in univerſis finibus Chriſtianorum denigraverat: Et dotes Eccleſiæ Romanæ ſuæ ſubdidit ditioni; unde Eccleſia Romana magnam induit cum deſolacione confuſionem.

An. 24 H. 3.

* Prov. 24. 21, 22.

† Rom. 13. 1, 2, 3, 4. Tit. 3. 1. 1 Pet. 2. 13, 14, 15.

* Mat. Weſtm. An. 1240. pag. 154, 155. See Tom 2. p. 544, 545, 613.

* Mat. Weſtm. p. 154, 161. See Tom. 2. p. 546.

* Póſcerent.

* Mat. Weſtm. p. 155.

Tom. 2. 562. l. 24. after *Febr.* adde: *Walter de Cantilupo* Biſhop of *Worceſter* in a Dioceſan Synod, (*An.* 1240.) preſumed to make ſeveral Eccleſiaſtical Conſtitutions, and among others, this concerning Inteſtates Goods: *Si autem laicus liber homo inteſtatus deceſſerit*, Dominus ejus et Eccleſia, *cujus parochianus extiterat, habeant quod ex teſtamento, ſi fieret, eis fuerat tribuendum. Quod autem de bonis ſuperfuerit, in ſolutionem debitorum defuncti, ſi quæ fuerint, & ſtipendia ſervientium*, et alios pios uſus per viſum Domini defuncti, et ipſum quem Epiſcopus ad hoc deputaverit, erogetur; allowing the Lord an equal power in the diſtribution of the ſurpluſage of the Inteſtates eſtate with the Adminiſtrator, which Archbiſhop *Boniface* and *Stradford* their ſubſequent *Conſtitutions* denyed to the Lord and Adminiſtrators, appropriating it to the Ordinary, contrary to the * *forecited* Charters of King *Henry* the Firſt, King *John*, and other uſages.

Spelmanni Concil. Tom. 2. p. 240, to 260.

* See p. 18, to 22.

Tom. 2. p. 572. l. 35. adde: † *Matthew Weſtminſter* relating the rapines and extortions of theſe two Popes Agents, the vaſt ſumms of money collected by them for the Pope in *Scotland* and *Ireland*, and *Otto* his revocation from *England*; writes thus of *Petrus Rubeus*, *Papæ familiaris & conſanguineus*; *Cito tranſiit* Angliam, & *in* Scotiam *veniens*, ibidem viceſimam ad opus Papæ non ſegniter abgaſit. *Eodem tempore*, *Magiſter* Petrus de Supino *in* Hiberniam *miſſus*, ut ibidem vigilanter meteret,

† Flores Hiſt. pars 2. Anno 1240. p. 156.

quicquid

An. 24 & 25 Henr. 3. quicquid poterat inde, non ficus Papæ quæstionarius, apprópriabit. Quæ præda ad numerum mille et quingentarum marcarum et amplius dicitur ascendisse. Collecta autem Petri Rubei, quam a Scotorum finibus emunxit, hanc summam creditur duplicasse. Qui postea remeans per Angliam, domos religiosorum perscrutans, novis argumentis pecuniam ad opus Papæ argute nimis eregit, cogens eos jurare, quod illud Sacramentum, quasi confessionis arcanum, usque in dimidium anni celarent. In quo corda fidelium divertit a devotione et dilectione Romanæ Ecclesiæ, et dolore magno sauciavit. *Nota.* *Ipso tempore*, revocatus est (Otto) Legatus, per autenticum Papale, *multum admonitus, ut adventum suum ad* Romanam *Curiam maturaret, & Concilium generale anticipando præveniret*, ut fratres, præhabita morosa deliberatione, tractatum haberent simul cum eo de imminente ejusdem ruina, et periculo irrestaurabili, Imperatore jam dotes Ecclesiæ invadente.

This pragmatical Pope *Gregory* so far interessed himself in Suites depending in the Kings *Temporal Courts*, as at the suit of a Freer to send this Bull to the Abbot of *Waltam*, to assist the Freers brother in a Suit then depending, to recover a small Inheritance detained from him; the Original whereof I met with in the *White Tower*.

An. 24 H. 3. in Turri London. GREGORIUS Episcopus servus servorum Dei, dilecto filio Abbati Sanctæ Crucis de *Waltam*, *Londonien.* Dioc. salutem & Apostolicam benedictionem. Provenit de favore impenso pauperibus attritis vexatione potentium, quod Regis æterni pietas & temporalem prosperitatem retribuit, & vitæ gloriam perennis impendit. Sanè, *Guilielmo Germano* dilecti filii fratris *Guilielmi* de ordine Minorum familiaris nostri accepimus, intimante, quod *W.* dictus *Scotus* Clericus & quidam alii *Londonien.* Dioc. quasdam domos, terras, & possessiones ad ipsum hæreditario jure spectantes, contra justitiam detinent, & ei reddere contradicunt. Verum cum sibi tenuem, ut dicitur, facultatem habenti, propter potentiam partis alterius dispendiosum existat super hiis subire litigium; nos fratris ejusdem precibus inclinati devotionem tuam rogamus & hortamur attentè, **per Apostolica tibi scripta præcipiendo mandantes**, quatinus dicto *Guilielmo* te favorabilem exhibens & benignum, detentores hujusmodi, qui sub tua jurisdictione consistunt, ut eidem prædicta bona restituant, & de perceptis ex eis fructibus satisfactionem exhibeant congruentem, **pro nostra et Apostolicæ sedis reverentia operam tribuas efficacem**; preces nostras taliter impleturus in eadem per auxilium gratiæ tuæ & suam consequi gaudente justitiam, nos tibi ad grates exindè teneamur. Datum *Lateran.* 10 Kalend. *Maii*, Pontificatus nostri anno tertio-decimo.

An. 25 H. 3. Tom. 2. p. 576. l. 5. after *Octobris*, adde: The Bishops, Archdeacons, and other Ecclesiastical Judges still usurping the Conusance of holding Pleas in their Courts Christian, of Goods and Chattels that were not Testamentary, against the Kings Prohibitions issued by the Judges, I find sundry Attachments and Suits against them, and the prosecutors of those Suits in the Plea-Rolls (in the *Tower*) before the Justices Itinerant in the 25th. year of King *Henry* the 3d. I shall instance only in these ensuing.

Rotuli de Placitis & Essoniis de malo veniendi captis apud Rading. *in Octabis Sancti* Michaelis, *anno regni Regis* Henrici *filii Regis* Johannis *vicesima quinto, coram*, &c. *Justiciariis Itinerant.*

Rot. An. 25 H. 3. intus. Leyc. ff. Matthæus *Persona de* Skakerton *attachiatus fuit ad respondendum* Willielmo de Oddeston *de placito*, quare secutus est placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Patrimonio, contra prohibitionem Domini Regis, &c. *Et unde queritur quod idem* Matthæus *petit ab eo* in Curia Christianitatis duas marcas quæ non sunt de Testamento, &c. *Et unde dicit*, quod detulit ei prohibitionem Regiam *vigilia festi Sancti* Petri ad vincula, *anno* 25. *Unde dicit*, quod deterioratus est et dampnum habet ad valenciam 4 marcarum. *Et inde producit sectam*, &c.

Et Matthæus *venit & defendit contra ipsum & sectam suam*, Quod nunquam secutus est placitum illud postquam detulit ei prohibitionem. *Et ideo consideratum est, quod vadiet legem, se duodecima manu. Et venit cum lege à die* Paschæ *in tres Septimanas apud* Westm. *plegii de lege*, Robertus de Eggeton. *de Comitatu* Wygorn. & Johannes de Crutterbir. *de eodem Comitatu.*

Robertus

Robertus *Prior de* Eſtlegh & Robertus *Prior de* Perſore *ſimiliter* Wygorniæ attachiati fuerunt *ad reſpondendum eidem* Willielmo, quare tenuit idem placitum, *&c.* contra prohibitionem, *&c.* *An.* 25 & 26 Hen. 3.

Et ambo Priores venient & bene defendunt, quod non omnino tenuerunt placitum illud poſt prohibitionem, *&c. Et dictum eſt eis*, quod de cætero non teneant, *&c. Et* Willielmus *per ſic remittit eis legem. Ideo ipſi inde ſint die.*

Suff. Alexander de Stanham *per* Willielm. de Cyreſy *optulit ſe 4 die verſus* Willielmum *filium* Walteri *de placito*, quare ſecutus eſt placitum in Curia Chriſtianitatis de catallis quæ non ſunt de Teſtamento vel Matrimonio, & Willielmus *non venit*, et fuit attachiatus *per* Simonem *Clericum de* Wrte, & Henricum de Dunmere. *Et ideo conſideratum eſt, quod ponatur per vadium & meliores plegios, quod ſint à die* Paſchæ *in tres Septimanas inde reſponſurus & oſtenſurus, quare non fuit coram* Juſticiariis Itinerantibus *apud* Rading. *à die Sancti* Michaelis *in* 15 *dies. Et primi*, &c. Mem. 12 dorſ.

Suff. Robertus de Badingeham attachiatus fuit *ad reſpondendum* Adæ *filio* Walteri & Matildæ *uxori ejus de placito*, quare ſecutus eſt placitum in Curia Chriſtianitatis de catallis et aliis debitis quæ non ſunt de Teſtamento vel Matrimonio, contra prohibitionem, *&c.* as before. Mem. 13 intus.

Somerſ. Margareta de Sum. *optulit ſe 4 die verſus* Johannem *Decanum de* Kelneton *de placito*, quare tenuit placita in Curia Chriſtianitatis de catallis ipſius Margaretæ, quæ non ſunt de Teſtamento vel Matrimonio, contra prohibitionem, &c. *Et verſus* Henr. de Gant. de placito, quare ſecutus eſt idem placitum in eadem Curia, contra prohibitionem, *&c.* as before.

Ricardus *filius* Roberti *optulit ſe 4 die verſus Priorem de* Wymundham *de placito*, quare tenuit placitum in Curia Chriſtianitatis de catallis quæ non ſunt de Teſtamento vel Matrimonio, contra prohibitionem, &c. *Et Prior non venit*, &c. *Et habuit diem per Eſſoniatorem ſuum*, &c. Mem 19. intus.

Idem Ricardus *optulit ſe 4 die verſus* Johannem Turf, Hugonem Dache, Willielmum *filium* Walteri, Thomam Hardekin, Radulphum Goodic, Willielmum Aylſted, Reginaldum Malling, Nicholaum Mory, Ernaldum Underwode, & Nicholaum Sutorem *de placito*, quare ſecuti ſunt idem placitum in eadem Curia Chriſtianitatis, contra eandem prohibitionem. *Et ipſi non venerunt*, &c. *Et habuerunt diem per Eſſoniatorem ſuum ad hunc diem*, &c. Et quia Vicecomes non attachiavit eos ſicut præceptum ei fuit, præceptum eſt ei, quod attachiet eos quod ſint ad eundem terminum; et Vicecomes ſit auditurus Judicium ſuum de eo, quod ipſos non attachiavit.

Cornub. Robertus *filius* Ham. *Eſſon.* Willielmi de Beckeley *opt. ſe*, &c. *verſus* Adam. de Keryor, Johannem de Rotomago, & Henr. de Trewyth *de placito*, quare ſecuti ſunt placitum in Curia Chriſtianitatis de catallis ipſius Willielmi quæ non ſunt de Teſtamento, &c. contra prohibitionem, &c. *Et* Adam & *alii non venerunt. Et* Johan. attach. fuit per, &c. *Et* Henr. *per*, &c. Rotulo dorſo.

Eſſex. Lucas de Terlinges & Walterus Godyler *opt. ſe*, &c. *verſ.* Rogerum *Decanum de* Wyham *de placito*, quare tenuit placitum in Curia Chriſtianitatis de catallis eorum quæ non ſunt de Teſtamento, &c. contra prohibitionem, &c. *Et verſus* Ricardum Leſſey & Thomam *fratrem ejus*; quare ſecuti ſunt idem placitum, *&c.* Et Rog. attach. fuit *per* Ricardum le Meſſer & Rogerum le Giſe; *Et* Ric. & Tho. *fil.* Galfr. Martyn, & Edm. Juvenem, *ideo ponantur per mel. pleg. quod ſint in Octabis*, &c.. *Et primi*, &c.

The are ſome more of like nature that year, but theſe may ſuffice; to ſhew the frequency of theſe Eccleſiaſtical Courts encroachments, to the prejudice of the Crown, and Subjects great vexation.

Tom. 2. p. 578. after *Septembris*, adde; The Nuns of *Boleton* being bound by their Order not to go forth of the limits of the Nunnery; the King by his Royal Prerogative and Charter, notwithſtanding their Conſtitution, gave the Abbeſs liberty to conſtitute an Attorney in all caſes, wherein they had cauſe to ſue or be ſued, by this Patent. *An.* 26 H. 3.

QUia Moniales de la *Grace de Dieu* de *Boleton* de conſtitutione Ordinis ſui ita incluſæ ſunt, quod nunquam * cœpta domus ſuæ exibunt; Conceſſit Dominus Rex Prioriſſæ & Monialibus ibidem, quod ſi contingat ipſam Prioriſſam ab aliquo vel aliquibus implacitari, vel neceſſe habeat alios implacitare, prædicta Prioriſſa, non obſtante contraria conſtitutione regni, Regis liberam habeat poteſtatem Attornatum Pat. Ann. 26 H. 3. m. 2. intus.

* Yet others entred into them.

An. 26, 27, & 28 H. 3.

tum suum inde faciend. per Literas suas patentes. Et mandatum est Justiciariis, Vicecomitibus, & omnibus Ballivis & fidelibus Regis, quod Attornatos prædictæ Prioriſſæ taliter admittant. In cujus, *&c.* Teste Rege apud *Portesm.* 7 die *Maii.*

Tom. 2. p. 603. l. 23. before *Cui*, adde; I find this Commission in the Patent-Rolls issued to the Archbishop of *York* and others, to summon all the *Abbots* of the *Cistercians* and *Præmonstratenses* before them, to demand an ayde from them, with a *Proviso* not to draw it into consequence to their prejudice, to induce them to it.

Pat & Carte n simul de anno 26 H. 3. m. 3 intus.

REX *Eborum* Archiepiscopo, & *W. Carleolensi* Episcopo, & *W. de Cantilupo*, salutem. Cum, sicut non ignoratis, pecunia plurimum indigeamus pro negotiis nostris expediendis in partibus transmarinis; Vobis mandamus rogantes, quatinus coram vobis convocari faciatis omnes Abbates de Ordine *Cysterciensi* et *Præmonstratensi*, et ipsos cum omni solicitudine inducatis ad subsidium nobis contribuendum, quo mediante guerram nostram commodius sustinere possimus, & quod nobis ad utilitatem & ipsis cedere debeat ad honorem. Gratanter quidem loco subsidii à singulis dictorum Abbatum lanam unius anni reciperemus. Ad quod ab eis optinendum (nisi modo alio commodius & decencius negotium istud procurare possitis) laborare curetis. Intimantes eisdem ex parte nostra, quod ex mera gratia sua auxilium ad præsens ab eis postulamus: Nolentes ex eo ipsis in aliquo præjudicari; nec si nobis concedatur ad præsens quod trahi possit in consequentiam. Teste Rege apud *Bard.* 4 die *Octobris.*

How the Archbishop executed this Commission without success, (these Abbots refusing to grant him any Ayd of wool or monies, but only of their prayers,) *Mat. Paris* thus relates, as Tom. 2. p. 603.

An. 27 H. 3.

Tom. 2. p. 652. l. 4. after *therewith*, adde; *Mat. Westminster* records, *Anno* 1143. that by Pope *Innocent* the 4th. and his Cardinals instigation, ipsa tota civitas Viterbii, cum partibus adjacentibus, per Reinerum de Viterbio Cardinalem, conversa est ad Romanos, qui partes Papæ confovebant. Et eodem tempore recesserunt ab Imperatoris fidelitate multi Nobiles et Potentes: qui igitur oderunt eum, extollentes caput, comminati sunt ei, quod eum usque ad internecionem persequerentur. *Humiliatus igitur Imperator secundum illud* Davidicum (Imple facies eorum ignominia, & quærent nomen tuum Domine) *formam pacis obtulit Ecclesiæ*; *scil.* ut juraret, se libenter stare censuræ Ecclesiasticæ, de injuriis ei illatis satisfacturum, ita scilicet ut prægnoscceret in quibus, et prævisa via, et omnibus prægnitis: (refusing to take a blind general Oath without particulars.) *Quod cum denegaretur ei*, magis solito desævit in Ecclesiam, et viros Ecclesiasticos. *Fecit etiam inter alias suas tyrannides*, (so they styled his Royal Justice against trayterous Monks and spies) *duos fratres de Ordine Prædicatorum, & tot de Ordine Minorum incarcerari*, quia Epistolas inter Principes et Magnates, in Imperatoris et Imperii detrimentum, deprehensi sunt basulasse, (to stir them up to revolt from him to the Pope, and take up arms to dethrone and destroy him, for which he might have justly hanged them for Traytors) qui in carcere ob immanitatem pressuræ defecerunt. *Et tunc temporis* (by reason of the Popes extortions, the Corruptions of his Court, Clergy, and these Treacheries against the Emperour, *in partibus maximè ultramontanis*, multiplicati sunt hæretici, (as the Monk stiles them, for opposing the Popes Usurpations, Errors, Vices,) *præcipuè illi, quos* Paterinos *appellamus*, (the same with the *Waldenses* or *Albigenses*) *qui temporibus retroactis latuerunt, & deprehensi gravi morte puniebantur*; Jam non erubescentes, neque punitionem, neque Ecclesiasticam censuram formidantes, in publicum, et recta cervice prorumpunt, ita ut finis mundi a multis creditur imminere. *Transiit ergo annus ille* Ecclesiæ periculosus, *regno* Angliæ *procellosus*, Italicis *prælios us*, *Templariis*, *Hospitalariis* schismaticus, & scandali generativus.

An. 28 H. 3.

* See Godwins Catalogue of Bishops, p. 297.

Tom. 2. p. 615. l. 35. after *conferendis*, adde: This Bishop of *Bath* was elected by the Prior and Monks of *Bath* alone, who refused to joyn with the Chapter of *Wells* in the election; whereupon they opposed it: but the Pope being his friend, the King at the Popes request approved his Election, and issued this Writ for restitution of his Temporalties; with a saving of his *Royal right*, and the right of the Church of *Wells.*

Pat. 28 H. 3. m. 6. intus. Pro Electo Bathoniensi.

REX adhibuit assensum & favorem præfectioni factæ de Magistro *Rogero* quondam Præcentore *Saresberiensi* in Episcopum *Bathoniensem*, ad instanciam Domini

mini Papæ de gratia Regis speciali, salvo jure Regis et Ecclesiæ *Wellensi*. Et mandatum est Militibus, liberis hominibus, & omnibus aliis tenentibus de Episcopatu prædicto, quod ei in omnibus quæ ad prædictum Episcopatum pertinent intendentes sint & respondentes. In cujus, *&c.* Teste ut supra. *An.* 28 H. 3.

Et mandatum est Custodi Episcopatus *Bathonienſis*, quod ei de omnibus terris & tenementis, & aliis rebus ad prædictum Episcopatum pertinentibus seisinam ei habere faciat, retentis ad opus Regis bladis et aliis ad Regem pertinentibus. Teste ut supra.

The same year the King for the honour of the University of *Oxford*, and quiet of the Scholars there, by his Royal Prerogative, granted the Cognisance of all Suites and Contests arising between the Scholars and Townsmen, to the Chancellor and Vicechancellor of the University, notwithstanding any Prohibition issued to them, by these his Letters Patents.

REX omnibus, *&c.* salutem. Noveritis nos pro quiete Universitatis Studentium *Oxonii*, de speciali gratia nostra concessisse Cancellario et Universitati prædictæ, quamdiu nobis placuerit, in causis Clericorum, ex mutuis datis aut receptis, aut taxationibus, seu locacionibus domorum, aut equis conductis, venditis seu commodatis, seu pannis & victualibus ortum habentibus, seu aliis quibuslibet rerum mobilium contractibus in municipio aut suburbio *Oxonii* factis, nostra prohibicio non currat, set hujusmodi causæ coram Cancellario Universitatis *Oxonii*, non obstante prohibitione nostra deducantur. In cujus, *&c.* Teste Rege apud *Radinges* 10 die *Maii*. Pat. 28 H. 3. pars unica, m. 6. intus. Pro Universitat. Oxonii.

The King likewise by this Patent licensed the Bishop of *Durham* to make a Will, and thereby freely to dispose of the Corn and goods he had in Right of his Church or otherwise, without interruption of him or his Officers, which else he could not dispose of.

REX omnibus, *&c.* salutem. Sciatis quod concessimus *N. Dunelmensi* Episcopo, quod quandocunque voluerit, libere et licenter condere possit Testamentum suum, et pro voluntate sua ordinare tam de bladis seminatis in terris Episcopatus sui et Ecclesiæ suæ, quam de omnibus aliis suis, et similiter immobilibus personam suam, ratione Ecclesiæ suæ, seu ratione sui ipsius contingentibus. Ita quod si de eo humanitus contingat (quod nollemus) executores Testamenti sui liberam habeant administrationem omnium prædictorum ad executionem Testamenti sui, prout inde ordinaverit faciendam, sine impedimento nostri et hæredum nostrorum et Ballivorum nostrorum. In cujus, &c. Teste Rege apud *Shireburn* 22 die *Augusti*. Pat. 28. H. 3. ibid. m. 2. intus. Pro Domino Dunholmensi Episcopo.

Among the *Essoin-Rolls* of this year in *Easter* Term, I find these Suits and Attachments for holding and prosecuting Pleas in *Court Christian*, for Chattels not Testamentary, *&c.* and for Lay-fees.

Essonium de malo veniendi apud Westm. *à die* Paschæ *in quindecim dies, anno regni Regis* Henr. *fil. Regis* Johannis, 28.

Wigorn. Willielmum le Bercher *optulit se 4 die versus Priorem de* Evesham *de placito*, quare tenuit placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra prohibitionem, &c. *et versus Magistrum de* Stratford *de placito*, quare secutus est placit. idem in eadem Curia, contra, &c. *Et ipsi non venerunt. Et Vic. mandavit quod Clerici sunt et non habent laicum feodum per quod possint distringi. Et ideo mandatum est Abbati de* Evesham, *quod habeat prædictum Priorem in Octabis sancti* Johannis Bapt. *Et mandatum est Episcopo* Wigorn. *quod habeat prædictum Magistrum* Robertum *ad eundem terminum*, &c. Plac de An. 28 H. 3 in Turri London.

Ebor. Osbertus *fil.* Willielmi *Essor.* Willielmi Clarel *optulit se 4 die versus* Thomam *Priorem de* Bridlington, *et versus* Ricardum *Priorem de* Kyrkham *de placito*, quare tenuerunt placitum in Curia Christianitatis de catallis quæ non sunt, &c. contra prohibitionem, &c. *Et versus* Radulph. *Priorem sancti* Oswaldi *de placito*, quare secutus est idem placitum, &c. *Et ipsi non venerunt*, &c. *Et Prior de* Bridlington attach. fuit per Robertum de Redneſſe, et Willielmum de Basingby. *Et Prior de sancto* Oswaldo attach. fuit *per* Willielm. *filium* Alexandr. de Bramham *et* Henr. Slegis *de eadem. Ideo pon. per mel. pleg. Et primi*, &c. *Et Prior de* Kirkham *non venit*, &c. *Et præceptum fuit Vic. quod* attach. *eum*, &c. *Et Vic. nichil inde fecit. Ideo sicut prius præceptum est Vic. quod attach. eum*, &c. *Et quod sit ad prædictum Terminum. Et Vic. sit auditurus judicium suum*, &c.

An. 30 & 31 Hen. 3. Surr. Willielmus de Ponte optulit se 4 die versus Willielmum Personam de Mikelham de placito, quare tenuit placitum in Curia Christianitatis de laico feodo ipsius Willielmi de Ponte in Mikelham, contra prohibitionem, &c. Et Will. Persona non venit. Et habuit diem per Esson. suum ad hunc diem, postquam fuit attach. per Rob. de Mikelham & Henr. de la Rosse. Et ideo ponatur per meliore pleg. quod sit in Octab. Sancti Johannis Bapt. Et primi, &c.

An. 31 H. 3. Tom. 2. p. 706. l. 31. after *Junii*, adde: That these Inquisitions and Recognitions upon Oath, thus successively prohibited by all the premised Writs to the Bishop of *Lincoln*, his Archdeacons, Officials, Rural Deans and Clerks, were Articles of Inquiry in their *Visitations*, which † some peremptorily deny, not acknowledgements of Deeds or Civil Contracts with Oaths to perform them under pain of Ecclesiastical Censures, as they assert, is most evident. 1. By the Writs themselves. 2ly. By Archbishop *Boniface* and his *Suffragans* Articles and Constitutions against these Writs and Prohibitions, *Tom.* 2. *p.* 890. * Artic. 9. Cum Prælati Ecclesiastici inquirere volunt de peccatis subditorum, prohibentur Laici ne de veritate dicenda, aut de credulitate, aliquod Juramentum exponant, aut Prælatis super hujusmodi obediant, propter quod multorum excessus et peccata mortalia incorrecta et impunita relinquuntur, *&c. p.* 907. Cum insuper Prælati Ecclesiastici ex officii sui debito inquirant, de morum disciplina, peccatis et excessibus subditorum, quia Rex, Magnates et aliæ Potestates sæculares ipsorum officia impediunt in præmissis, Laicis sibi subditis * inhibendo, ne ad mandatum ipsorum Prælatorum, de veritate dicenda subeant juramentum, *&c.* Impedientes vero ne hujusmodi juramenta præstentur, per Interdicti et Excommunicationis sententias arctius compescantur. 4ly. By Archbishop *Stratford*'s and his Councils Constitutions, *An.* 1340. De impedientibus Jurisdictionem Ecclesiasticam: Accidit novitate perversa, quod cum Ecclesiarum Prælati de morum disciplina, peccatis et excessibus subditorum nituntur inquirere, Magnates et Potentatus alii seculares, officia impedire molientes eorum, inhibent laicis ipsorum tenentibus aut nativis, (by the Kings Writs to the Sheriffs and them) ne ad Ordinariorum citationes pro suorum criminum vel excessuum correctionibus canonice subeundis, (quorum correctio et punitio ad ipsos Ordinarios noscitur pertinere de consuetudine ve de jure, *&c.*) * extra locum sui dominii veniant vel compareant coram eis: Et ne in locis sui dominii per Prælatos exerceantur præmissa, impediunt, et procurant nequiter impediri; sibique super hiis Jurisdictionem Ecclesiasticam exercentes, et suis subditis, et pro eorum culpis et excessibus pœnitentias corporales, seu pecuniarias imponentes, ac ipsos facere cogentes, eadem sicut ordinare ipsis licet; aut pœnitentiis corporalibus juxta modum excessuum suorum impositis, redemptiones pecuniarias prout juste poterunt admittentes, de et super extorsionibus et excessibus indictant; sicque indictatos attachiant ac incarcerant; ac super hiis in foro seculari eos sibi respondere compellunt: quibus multas pecuniarias ea occasione in dicto foro seculari imponi procurant et faciunt indebite (as they falsly suggested) pro libito voluntatis. 5ly. This is most irrefragably evident by Bishop *Grosthead*'s own Articles of Inquiry, (whereupon those Writs then issued) intituled, *Articuli Inquisitionis per Archidiaconatus Episcopatus* Lincoln. *à singulis Archidiaconis faciendæ*, being 50 in number, published of late in the 2d. Tome of * Sir *Henry Spelman*'s Councils; the same in effect and form with our Bishops and Archdeacons modern Visitation Articles, (which they inforce Lay-men to inquire of upon Oath) which I shall here present you with.

† A Treatise concerning Oaths, exacted by Ordinaries and Ecclesiastical Judges.

* Mat. Paris. Additament. p. 199, 200, 207.

* Nota.

* Additamenta Mat. Paris, pag. 207. Johannes de Aton Constit. Provinc. f. 138. Lindewood Provinc. l. 3. De Immunitate Eccles. fol. 188. Spelmanni Concil. Tom. 2. p. 588, 59.

* None might be cited or visited out of his Parish in that age.

* Concil. Tom. 2. p. 192, 193. Ex pervetusto Cod. MS. penes Sam. Roper, de Hospitio Lincoln. Armig. an. 1647.

† This he could better discover by his own examination of them, then by illiterate Lay-mens Oaths.

* This his Archdeacons could best inform him of.

1. An aliqui † Rectores Ecclesiarum, vel Vicarii, vel Sacerdotales Parochiales sint enormiter illiterati?
2. An Sacramentum Eucharistiæ portetur ad infirmos cum debita reverentia; &, sicut decet, custoditur?
3. An aliqui prædicti, vel aliqui infra sacros Ordines constituti, sint incontinentes?
4. An incontinentes sint correpti per * Archidiaconum loci, et quoties unusquisque sit correptus, et qualiter?
5. An aliqui convicti vel confessi super Incontinentia obligaverunt se ad resignationem Beneficii, vel ad aliquam pœnam Canonicam si recidiverint, et si quisquam eorum recidiverit post obligationem?
6. An aliqui Beneficiati, in sacris Ordinibus constituti, sint uxorati?

7. An

7. An aliqui Clerici frequentant Ecclesiam Monialium sine causa rationabili ? *An.* 31 H 3.
8. An aliquis Clericorum in sacris Ordinibus teneat mulierem cognitam sibi, vel aliam, de qua oritur suspicio mala ?
9. An aliqui sint Ebriosi, vel tabernas frequentantes, vel Usurarii, vel Negotiatores, vel pugnantes, vel alio vitio notentur ?
10. An aliqui sint Firmarii, dantes vel recipientes ad Firmam Ecclesias, sine licentia Episcopi ?
11. An aliqui sint Vicecomites, vel Justiciarii seculares, vel tenentes Ballivas a Laicis, unde obligentur eis ad rationcinia ? *Nota.*
12. An aliqui Rectores faciant pactum cum Sacerdotibus suis annuis, ut præter stipendia à Rectore recepta, possint recipere ab aliis Annualia vel Triennalia ?
13. An aliquis * Sacerdos Parochialis non habeat a Rectore suo sufficientem sustentationem ? * This the Priest himself could best inform him.
14. An Laicis detur ad Firmam aliqua libera terra alicujus Ecclesiæ ?
15. An Redditus assignati ad Luminaria, vel alios usus Ecclesiæ certos, in certos usus Ecclesiæ convertantur, vel in usus Rectorum vel Vicariorum ?
16. An alicubi compellantur Parochiani, ut in die Paschæ simul communicent & offerant ?
17. An aliqui intendant Histrionibus, vel ludant ad aleas, vel tarillos ?
18. An aliqui portent arma, vel non habeant tonsuram & habitum congruentem ?
19. An aliquis habeat plures curas animarum sine dispensatione ?
20. An aliquis Rector sive Vicarius sit filius proximo ministrantis ?
21. An aliquis Sacerdos exigat pecuniam pro pœnitentia vel aliis Sacramentis, vel injungat pœnitentias lucrativas ?
22. An Diaconi ministrent Sacramenta solis Sacerdotibus commissa, vel audiant Confessiones ?
23. An aliquis Rector vel Vicarius non sit in Ordine, qui exigit sua cura, vel non facit residentiam in suo Beneficio ?
24. An Ecclesia aliqua non habeat Clericos vel Clericum honestum secundum facultates Ecclesiæ ?
25. An Mercata, vel Ludi, vel Placita secularia sint, vel fiant alicubi in locis sacris ?
26. An * Cimiteria sint ubique clausa, & Ecclesiæ decenter ædificatæ, & ornatæ, & vasa sacra ritè custodita ? * This they might discover best by their own personal view and Visitation of them.
27. An aliquis Sacerdos celebret de Aceto ?
28. An aliqui Beneficiati audeant vel doceant leges seculares ?
29. An Canon Missæ sit rite correctus ?
30. An alicubi leventur arietes, vel fiant Scottalos, vel decertetur in præeundo cum vexillo matricis Ecclesiæ ?
31. An ad mandatum Ecclesiæ & Episcopi hæc in singulis Ecclesiis aliàs sint prohibita ?
32. An aliquis Clericus vel Laicus, teneat in hospitio suo Concubinam Clerici, et ubi sunt Concubinarum receptacula ?
33. An aliquis Sacerdos sit desidiosus ad visitandum infirmos ?
34. An Crismalia convertantur in usus seculares ?
35. An aliqui Religiosi appropriaverint sibi aliquas decimas vel Ecclesias, sine licentia Episcopi loci, vel aliqua hujusmodi ?
36. An aliquæ Ecclesiæ sint vel fuerint retentæ sine Sacerdote ?
37. An aliqui Vicarii se faciant Rectores, vel è converso ?
38. An aliqui illegitimi, cum quibus non est dispensatum, habeant Ecclesiastica Beneficia, vel in sacris Ordinibus constituti ?
39. An aliqui gerant se Rectores vel Vicarios, qui non sunt per Episcopum instituti ?
40. An Superaltaria sint honesta, & non molentur super ea colores, & quæ Ecclesiæ sunt dedicandæ ?
41. An aliqua Ecclesia post *Oxoniense* Concilium sit diruta sine Episcopi licentia ?
42. An *Judæi* morentur alicubi, ubi non consueverunt morari ?

An. 31 H. 3.

43. An Adulteria, vel crimina publica Laicorum, sint rite per Archidiaconum correcta, et si aliqua sint incorrecta?
44. An in singulis Archidiaconatibus sint sufficientes Pœnitentiarii Episcopi?
45. An aliqui Laici sint pertinaces, ut stent in Cancello cum Clericis; et qui Sacerdotes sunt Ordinati alibi extra Episcopatum, et per quem licentiati sunt ad celebrandum?
46. De vita et honestate Archidiaconorum, Decanorum et Clericorum, qui ministrant in Ecclesiis?
47. An aliquis Sacerdos bis celebret in die, nisi in casibus concessis, & in propria persona, in propria Ecclesia?
48. An aliqua Anacorita facta sit sine assensu Episcopi?
49. An in aliqua Capella celebretur sine assensu Episcopi?
50. An alicubi morentur Monachi vel alii Religioli in Grangiis, vel aliis possessionibus suis, et quomodo se gerunt, et cujus famæ sunt? De famulis eorum et servientibus, quomodo se gerunt, et cujus famæ sunt?

On these very *Articles of Inquiry*, the King, his Council and Judges prohibited any Lay-men to be cited, to make Inquisitions or Recognitions upon Oath, by the * *premised Writs*.

* Tom. 2. p. 699, 701, 704, to 712. 718, 760, 818, 830, 831, 892, 907, 969, 970.

From these *Visitation Articles* we may observe: 1. That the prohibiting of Priests marriages, (against Gods Law and institution) made them very incontinent, to keep Whores, Concubines, frequent Nunneries and deflour Nuns, to satisfie their lusts. 2ly. That sundry Priests in that age were married and had children, whose sonnes sometimes succeeded their Fathers in their Benefices, notwithstanding all Canons and Constitutions made against it. 3ly. That Pluralities, Non-residence, and Clergy-mens exercising any Temporal Jurisdiction, Office, or imployments, and studying the secular Laws of the Realm, were prohibited as scandalous and criminal in this age. 4ly. That the Bishops in all their Visitations and Inquiries, amongst other things endeavoured to advance their Jurisdiction over all Laymens persons, rights, priviledges, to subject them to their own and their Archdeacons, Officers, Inquisitors censures; which Encroachment King *Henry* and his Council thought meet to restrain, by *successive Writs of* * *Prohibitions* issued to this Bishop of *Lincoln Grosthead*, and others.

* Tom. 2. p. 699. 704. 705, 706, 969, 970.

If the premises be not sufficient to answer the Objection, that these Prohibitions were not intended of these *Visitation Oathes* and *Articles of Inquiry*, then set on foot by *Grosthead*; I shall then adde for further satisfaction, that it is generally agreed, that all [a] *Episcopal Visitations* were originally founded on *Acts* 15. 36, 42. *Then* Paul *said unto* Barnabas, *let us go again, and* (ἐπισκεψώμεθα, Visitemus) visit our brethren in every City, where we have preached the word of the Lord, and see how they do: and Paul went through Syria and Silicia confirming the Churches, (by his preaching personally to them) without using any such Citations out of their own Parishes, or Articles or Oaths of Inquiry, as *Grosthead* with his Archdeacons, Deans and Officials then prescribed to and enforced on the people of his Diocesse, of which we find no mention or intimation in the *Acts of the Apostles*, nor in the antient *Canons* or *Constitutions* we read of concerning Bishops *Visitations* in our own or other Churches; Witness those of [b] *Bonifacc* Archbishop of *Mentz* (an *Englishman*, and Popes Legate,) sent by him to our *English* Bishops, *Anno Domini* 745. of the Council of *Cloveshove* under *Cuthbert* Archbishop of *Canterbury*, *Anno* 747. *cap.* 3. of the Council of *Calcuth* under the Popes Legates, *An.* 787. *cap.* 3. and of *Odo* Archbishop of *Canterbury*, *An.* 943. *c.* 3. which enjoyn every Bishop at least once every year, to go in circuit throughout his Diocesse, cum omni vigilantia [c] prædicando verbum Dei (as Saint *Paul* did) populumque diversæ conditionis ac sexus aperte doceat, diligenter Conventicula per loca congrua constituendo, quo cuncti convenire possunt ad audiendum verbum Dei, et omnibus viam salutis demonstret, utpote eis qui raro audiant verbum Dei, Prohibens et inter cætera peccamina, paganas observationes, *gentiliumque errata, ne aliquis per incuriam pastoris per devia cujuslibet ignorantiæ errans, rugientis leonis morsibus invadatur; & vigilanti cura gregem sibi commissum* pascat, confirmet: *Et ne quis turpis lucri gratia, sed spe mercedis æternæ, gregem sibi commissum pascere studeat.* Quod enim gratis accipimus, gratis impendere non differemus, without any Fees, Procurations or Articles of

[a] Concil Coloniense, An. 1546. Surius Concil. Tom. 4 p. 845.

[b] Spelmanni Concil. Tom. 1 p. 238, 246, 293, 416.

[c] *Primò debet Episcopus per se, vel per alium idoneum propanere verbum Dei, & semper cum visitat pascere gregem cum prædicationibus & sermonibus*, Thomas Zerula *Praxis Episcopalis, pars* 1. *Tit. Visitatio, & Summa* Angeli. *Tit. Visitat.* 6.

of Inquiry upon Oath, whereof we find no mention. The first Canon I have observed made in *England* after the Conquest concerning Visitations, is this of [d] *Hubert* Archbp. of *Canterbury* in the Council of *London*, *An.* 1200. worthy observation. *Prohibemus, ne subditos suos* talliis et exactionibus Episcopi gravare præsumant. *Cum enim dicit Apostolus, Non debent filii thezaurizare parentibus sed parentes filiis; multò longè à paterna pietate videtur, si Præpositi subditis suis graves existant, quos in cunctis necessitatibus pastoris more debent fovere. Archidiaconi, aut sui Decani,* nullas exactiones vel Tallias in Præsbyteros seu Clericos exercere præsumant, &c. *Sanè ad præcidendam tàm avaritiæ quàm negligentiæ vitium; authoritate* Tolerani *Concilii subnixi, præcipimus, ut* Visitator ab Ecclesia in qua Visitationis officium debito modo non exercet (by preaching the word of God to the people, *&c.* as aforesaid) procurationem, aut procurationis redemptionem, exigere non præsumat. The like was decreed *interminis*, or with little variation, by * *Stephen Langeton* Archbishop of *Canterbury* in the Council of *Oxford*, An. 1222. by [e] *Rich. Poor* Bishop of *Sarum* in his Diocesan Synod, Anno 1217. *De Procurationibus Archidiaconorum*, by *Otho* the Popes Legate and the Council of *London*, An. 1226. cap. 20. *Officium Archidiaconorum*; by *Othobon* the Popes Legate and the Council under him, An. 1248. by *Peter Quivil* Bishop of *Exceter* and the Synod under him, An. 1287. by the Synod of *Winton* about the year 1308. by *Walter Raynolds* Archbishop of *Canterbury* in the reign of King *Edward* the 2d. by *John Stratford* Archbishop of *Canterbury* and the Council of *London* under him, Anno 1342. *De Visitatione & Procuratione Archidiaconorum, & aliorum Ordinariorum*: All which prescribe all *Visitors* (especially *Archdeacons*, the Bishops *eyes*) not only to *preach to the people in all Churches they visit; in the* * *first place, and instruct them in the principles of Religion*, but likewise personally to enter and view every *Churches Fabrick*, with their *Books, Vestments, Utensils, appurtenanances* which they Visit: and that not *perfunctorily*, but *diligently*; and *to demand or take no Procurations from any Church they do not thus personally and actually view, visit, and those only in competent meat and drink, not in money; yea if they visit many Churches in one day, they enjoyn them to demand but one Procuration from them all, not several Procurations from each of them, and no Procuration at all from poor Churches and Ministers*: wherewith *William Lindewode* in his *Provincial Constit. l.* 3. *De Censibus & Procurationibus, f.* 159, 160. *Johannes de Aton* in his Glosses on *Otho*'s and *Ottobon*'s Constitutions, *f.* 43. 89. *Angelus de Clavasio* in his *Summa Angelica, Tit. Visitatio*; together with *Gratian* Distinct. 42. cap. *Non oportet*; & Causa 10. qu. 1. and his Glosses fully accord. Yea † *Concil. Lateran. sub Innocent.* 3. An. 1215. cap. 33, 34. *Concilium apud Castrum Gunteri*, Anno 1251. *Concilium apud Salmur.* An. 1253. *Synodus Andegavensis*, An. 1263. *Concilium Provinciale apud Langres*, *Concilium apud Nanetes*, An. 1264. *Concil. Burdegal.* An. 1582. with others collected by *Laurentius Bochellus*, Decreta Eccles. Gallicanæ, Lib. 5. Tit. 15. *De Visitatione, Procuratione, & Personis quibus commissa est potestas visitandi*, thus decree the like; *Cum ratione Visitationis debetur procuratio, districtè præcipimus,* Ut nullus procurationem recipiat, nisi in locis visitatis duntaxat: and that, tantum victualibus a locis quæ visitantur; non pecuniis numeratis: wherewith *Concilium Coloniense* An. 1549 *Concilium Tridentinum*, Sessio 24. De Reformatione, cap. 3. *Surius* Concil. Tom. 4. p. 845, 976. *Thomas Zerula* in his *Praxis Episcopalis*, pars 1. Tit. *Visitatio*, and all Canonists I have seen concurr. Hence *John de Aton* in his Glosse on this clause of *Othobon*'s Constitution; (*Non tàm Ecclesiarum indemnitati, quàm Prælatorum saluti consultius providentes districtius inhibemus*, ne quis eorum procurationem (quæ ratione visitationis debetur) ab Ecclesia quacunque recipiat, nisi cum eidem visitationis officium impendit, qui vero receperit, donec restituerit ab ingressu Ecclesiæ sit suspensus:) hath this observation, * Et hæc ratio forte movet Episcopos hujus regni, qui in visitationibus suis procurationes ab Ecclesia communiter non exigunt, (which since many of them usually do, against the premised *Canons* and *Constitutions*) quia ad singulas Ecclesias ob causam visitationis non declinant: licet plene personas visitant tam Clerum quam populum, ob hanc causam nunc ad unum locum, nunc ad alium congruum convocando; cum tamen procurationem debeant recipere tantummodo de locis visitatis. *Ut hic; & Extrav. de Censibus*, c. *Romana.* It being then no legal, real, nor Canonical Visitation at all for Bishops or Archdeacons to summon a whole Diocesse, Archdeaconry, or Deanry to meet at one certain place or Church, there to appear before and visit their Bishops

An. 31 H. 3.

[d] Rog. Hovedden. *Annal pars post. p.* 807. Spelmanni *Concil. Tom.* 2. *p.* 124, 125.

* Surius Concil. Tom. 3. p. 763. Johannes de Aton, Constit. Provinc. f 122. b.

[e] Spelmanni Concil Tom. 2. p. 156, 220, 221, 265 380, 381, 484, 489, 506, 576.

* *Primò, prædicare debet Verbum Dei, & demum de Vita & Conversatione ministrantium, & cæteris quæ ad officium suum spectant inquiratur: & sine juramento & coactione, eorum emendationem per salubria consilia inducat lenibus & asperis, sicut sibi videbitur expedire. D. cap. Romana* Summa Angelica, *Visitatio, Sect.* 2.

† Surius Concil Tom 3. p. 746.

* Constit. Legit. f 89. g.

An. 31 H. 3. Bishops or Archdeacons out of, and remote from their own Parishes, to their great travel and expence; no more than a Bishops, Archdeacons, or Ministers summoning all the Sick persons or Prisoners in their Diocesse, Archdeaconries or Parishes to meet them at the places where they visit, or at their Parish-Churches, is or would be reputed a real, legal or canonical visitation of the *Sick*, or *Prisoners*, within our *Saviour Christs*, or S^t. *James* words or meaning, *Mat.* 25. 36, 39, 40, 43, 44. *Jam.* 1. 27. c. 5. 14, 15. or within the *Order for visiting the Sick*, in the Book of *Common Prayer* prescribed by Act of Parliament; which orders Ministers, *to go and enter into Sick-persons Houses, Chambers to visit them*, not they to send for them into the Church, or their own Houses: this new kind of Visitation being in truth a visiting of the Bishops and Archdeacons by the Ministers, Churchwardens and others repairing to them; not a visitation of them by the Bishops or Archdeacons, contrary to the *Apostolical* primitive constitution, custome, and the antient Canonical legal form of all Episcopal and Archidiaconal Visitations, who personally repaired to every Church they visited, and there first of all preached Gods Word unto the People, and then with all care and diligence viewed the Fabricks, Ornaments, Vestments, Utensils, Books and necessary appurtenances of each Church, the persons, manners of the Ministers and People with their own eyes, and so needed no such *Inquiries* or *Visitation Articles* upon Oath concerning them, their Ministers or Parishioners, as Bishop *Grosthead*, his Archdeacons, Deans and Officials then endeavoured to inforce upon the People or Churchwardens by Ecclesiastical censures; which King *Henry* the 3^d. his Council, and Judges thereupon probibited as illegal Innovations, Grievances, Vexations by the premised Writs: Much less needed they such *printed Books* of numerous, various, unauthorised Articles, Oaths, as others have since illegally invented, inforcing the *Churchwardens* of every Parish to *buy their Books of Articles at dear rates*, and then *to make Presentations on them upon Oath*; for which *Presentations* they must likewise pay Fees: A device of later times rather to pick the Peoples Purses, and ensnare their Consciences, than to reform their vices; Which the premised Councils condemn as a gross abuse; and * *Claudius Espencæus* (a learned *French* Bishop) thus long since complained of: *Minores non tantum Episcopi, sed & Archidiaconi, eorumque malè Officiosi (absit verbo invidia, nam de malis loquor) Officiales & Vicarii dum Diœceses & Parochias obequitant, non tam facinorosos & criminum reos pœnis & correctionibus à vitiis deterrent, quo fine peregrinationes hujusmodi olim jam fuerunt jure canonico ordinatæ*, quam pecunia præsenti et numerata, titulo Procurationis, ne dicam fictitiæ Jurisdictionis emungunt, et exigunt tum Clericos, tum Laicos: and Saint *Bernard* long before him severely censures, in *Sermone 77. super Cantica, & Concione ad Clerum in Concilio* Rhemensi, to omit all others. If every Judge of Assise or Sessions of the Peace should Print all the *Articles* of their *Charges* and *Inquries*, and enjoyn every Grand-Jury-man and Constable to buy them, and exact Procurations from them, it would be reputed an intolerable, illegal Innovation and Exaction in them. Therefore it can be deemed no other in Bishops, Archdeacons, and other Visitors. All which considered, will abundantly answer the premised Objection, grounded on the misconstruction of the words, *Ad recognitiones super Sacramentum faciendas*, which properly signifie, to make Inquisitions or Presentments upon Oath, as the words *Recognitio, facere Recognitionem, & Recognitores Assisarum* in cases of *Assises*, with our † *Law-books* and *Statutes* clearly resolve.

* Comment. in Epist. ad Titum, c. 1. Bochellus Decret. Eccles. Gal. l. 5. Tit. 15. c. 50.

† Bracton, l. 3. Tract. 1. c. 11. n, 16. l. 5. Tract. 8 c 9. West 1. c. 31. Litleton sect. 234. Cowels Interpreter, & Spelmans Glossarium, Tit Recognitio, & Recognitores.

Tom. 2. p. 699. l. 6. after *juveris*, adde: In the Plea-Rolls and Assises taken before the Justices Itinerant in the 31. year of King *Henry* the 3^d. (remaining in the *Tower*) I find many *Prohibitions*, *Attachments*, and *Actions* upon them, brought against *Bishops*, *Archdeacons*, *Officials*, and other Persons for holding Plea, and prosecuting Suits in *Courts Christian* of Advowsons, Free-holds, Trespasses, Debts and Chattels that were not Testamentary, not given in Marriage, and for Excommunicating them against the Kings Crown and Dignity, to the Subjects great damages and vexation, with Writs enjoyning them to absolve them. I shall begin with one in my own native Country of *Somerset*.

Placita & Assisæ capta apud Northampton *in crastino Natalis Sancti* Johannis Baptistæ, *anno regni Regis* Henrici *filii Regis* Johannis *tricesimo primo. Coram* Rogero de Thurkelby, *& sociis suis Justiciariis.*

Rot. 25. dorso. ——————— *Essoniator* Drogonis de Staunton, & Henricus *filius* Roberti *Essonia-*

An. 31 H. 3.

Essoniator Aliciæ de Staunton *optulerunt se 4 die versus Magist.* Nicholaum *Archidiaconum de* Bathonia *de placito*, quare tenuit placitum in Curia Christianitatis de feodo ipsorum Drogonis et Aliciæ in Staunton contra prohibitionem, &c. *& versus* Walterum *Personam*, &c. *& versus* Will. Lenteneley *de placito*, quare secutus est placitum in Curia Christianitatis de laico feodo ipsorum Drogonis et Aliciæ, *&c.* contra eandem prohibitionem, &c. *Et Archidiaconus & Persona non venerunt*, &c. *Et ideo mandatur Vicecom. quod attachiet eos. Et Vicecomes mandavit*, quod ipsi Clerici sunt, et quod non habent laicum feodum ubi possint attachiari. Et ideo mandatum est Episcopo Bathonensi, quod venire faciat eos apud Oxoniam in crastino Sanctæ Trinitatis, &c. *Et unde Vicecomes*, &c.

Walterus *Persona de* Staunton attachiatus fuit *ad respondendum* Drogoni de Staunton & Alic. *uxori ejus de placito*, quare secutus est placitum in Curia Christianitatis de laico feodo ipsius Drogonis et Alic. in Staunton, contra prohibitionem Domini Regis, &c. *Et unde ipsi* Drogo & Alic. *per Attornatos suos dicunt, quod cum ipse teneat unam virgatam terræ cum pertinen. in* Staunton *de feodo ipsorum* Drogonis & Aliciæ *per forinsecum servicium quantum ad prædictam virgatam terræ pertinet, pro omni servicio. Et cum ipsi vellent facere districtionem pro scutagio de* Gunnok, *exigentes ab eodem* Waltero 12 *d. nomine scutagii de prædicta terra quando scutagium fuerit ad quadraginta solidos, & ad plus plus & ad minus minus, prædictus* Walterus occasione prædictæ districtionis fecit ipsos citari coram Officiali Archidiaconi Bathoniæ apud Bristoll in Ecclesia Sanctæ Mariæ de la Radeclyve. Et cum ipsi detulissent eidem Waltero prohibitionem Domini Regis, ne prædictus Walterus placitum illud amplius sequeretur, idem Walterus spreta prohibitione Domini Regis, secutus est placitum illud in Curia Christianitatis coram Archidiacono Bathoniæ de die in diem, et * fecit ipsos Excommunicari et omnes homines suos, *unde dicunt*, quod deteriorati sunt et dampnum habent ad valenciam 10 l. Et inde producunt sectam, *&c.* (to recover Damages against him for this injury and vexation.)

* Such was his abuse and vexation.

Et Walterus *venit & defendit vim & injuriam quando*, &c. *Et benè cognoscit, quod prædicti* Drogo & Alicia detulerant ei prædictam prohibitionem *die Sabbati in ebdomada Paschæ prox. præterita circa horam primam, sed benè defendit contra ipsos & sectam suam*, quod ipse nunquam postea secutus fuit aliquod placitum in Curia Christianitatis versus prædictos Drogonem et Aliciam occasione districtionis prædicti scutagii, et quod nunquam postea occasione prædicta fecit ipsos Excommunicari. *Et hoc paratus est defendere Lege contra ipsos & sectam suam*, sicut Curia consideraverit. *Et ideo consideratum est*, quod vadiet Legem sc. xii. manu. *Et veniat cum lege sua à die Nativitatis Sancti* Johannis Baptistæ *in unum mensem. Plegii de lege*, Jordanus de Budiford, & Richardus de Clendon. Et præceptum est eidem Waltero, quod interim absolvi faciat prædictos Drogonem et Aliciam, et homines ipsorum qui occasione prædicta sunt Excommunicati. Et ad hoc faciendum invenit prædictos plegios, qui hoc manuceperunt. *Et preterea Magister* Johannes de Staunton *filius prædicti* Walteri *hoc idem manucepit*, et obligavit ad hoc quandam custodiam quam habet in Comitatu Somerset. *Postea venit prædictus* Walterus *ad diem prædictum*, et non potuit dedicere, quin ipse occasione districtionis quam prædicti Drogo et Alicia fecerunt pro prædicto scutagio ipsos Excommunicavit, et Excommunicatos denunciavit. Et postea * per præceptum Justic. denunciavit ipsos a sententia illa absolutos, et super hoc fecit Literas suas patentes quas Henricus de Monte Attornatus prædictorum Drogonis et Aliciæ profert, et quæ hoc testantur. Such was his vexation and falshood in his place.

* *Nota.*

Nota.

Somerset. Rot. 24, 25.

Henricus de Monteforte *optulit se 4 die versus Magistrum* Willielmum de Lenteneley *de placito*, quare secutus est placitum in Curia Christianitatis de advocacione Ecclesiæ de Niny, *quæ pertinet ad liberum tenementum suum in eadem Vill.* contra prohibitionem Domini Regis, &c. *Et* Willielmus *non venit*, &c. *Et mandatum fuit Episcopo* Bathon. *quod faceret eum venire ad hunc diem; Et Episcopus nichil inde fecit*, set mandavit, quod summonuit eum, &c. Et ideo præceptum est Vicecom. quod summoneat dictum Episcopum, *quod sit à die Nativitatis Sancti* Johannis Baptistæ *in unum mensem, & ibi habeat prædictum Magistrum* Willielm. *&c.* Et Episcopus sit auditurus Judicium suum; for his contempt in not bringing him in at the day.

I shall only render you a brief Note of the like and other Prohibitions, Attachments and Actions which I find in the *Plea-Rolls* of the same Term.

Consimile (for holding Suit) de laico feodo versus Nicholaum Archid. Bathoniæ, *&c.* Rot 25. intus.

Con-

Ann. 31 H. 3. Rot. 25. intus. *Consimile* versus Rogerum Episcopum Bathoniæ (for a Suit in *Court Christian*) de advocatione Ecclesiæ de Nuny, *&c.* tryable only in the Kings Courts of *Common Pleas.*

Rot. 22. dorso. *Consimile versus* Egidium Archidiac. Northampt. de placito quare ad mandatum Domini O. Cardinalis Sanctæ Mariæ in via lata, quia idem Radulphus coram eo non comparuit in partibus transmarinis, quod esset in præjudicium privilegii Domini Regis, ipsum denunciari fecit excommunicatum, &c.

Rot. 16. dorso. Noting. Philippus de Covel, & Radulphus de Dayrel *optulerunt se 4 die versus Priorem de* Thurgaton *de placito*, quare tenuit placitum in Curia Christianitatis de catallis et debitis ipsorum Phil. de Rad. quæ non sunt de Testamento vel Matrimonio, contra prohibitionem Regis, &c.

Rot 24 dorso. *Consimile* de catallis quæ non sunt, &c. versus Robertum Episcopum London. *&c.*

Rot. 26. intus. *Consimile* de catallis quæ non sunt, *&c.* versus Magistrum Hospitalis Sancti Johannis Northampt.

Ibidem dorso. *Consimile* de catallis quæ non sunt, *&c.* contra prohibitionem, *&c.* versus Walterum de Sees.

To these I shall annex some Suits prosecuted by the King himself and his Attorney, against several persons for holding and prosecuting Suits in *Court Christian*, for Advowsons of Churches, and his free Chappels, against his Crown and Dignity, in *Michaelmas* Term, in this 31. year of his reign.

Placita coram Rege in Octab. Sancti Michaelis, *anno regni Regis* Henrici *tertii fil. Regis* Johannis *tricesimo primo.*

Heref. ff. Capellan. Domini Regis. Laurentius del Brock *qui sequitur pro Rege, optulit se 4. die versus Archid. de* Hertford. *Magistrum* Richardum, Thomam, & Nicholaum *Penitenciar. ejusdem loci de placito*, quare tenuerunt placitum in Curia Christianitatis de Ecclesia Sancti Michaelis de Coventr. *quam Dominus Rex contulit* Radulpho de Leyc. *Clerico suo, vacante sede* Coventr. & Lychf. contra Coronam et dignitatem, et contra prohibitionem Regis, &c. *Et ipsi non venerunt*, &c. *& præceptum fuit Vic. quod distr. Episcopum* Hereford. *quod esset ad hunc diem. Et quod haberet*, &c. *Et Vic. nichil inde fecit. Ideo sicut aliàs præceptum est Vic. quod distr. prædictum Episcopum, ita quod habeat Corpus ejus à die* Paschæ *in unum Mensem, & ibi habeat*, &c. *Et Vic. sit anditurus judicium suum*, &c.

Staff. Salop. Warw. Leyc London Capellan. Dom. Regis. *Dominus Rex per* Laur. de Brock, *qui sequitur pro eo, optulit se quarto die versus* Henricum Creke *de placito*, quare secutus est placitum in Curia Christianitatis de Ecclesia Sancti Michaelis de Coventr. *quam Dominus Rex contulit* Radulpho de Leyc. *Clerico suo, vacante sede* Coventr. & Lychf. contra Coronam et dignitatem Domini Regis, et contra prohibitionem, &c. *Et ipse non venit*, &c. *Et Vic. mand. quod* non est inventus. *Ideo sicut prius; & si inventus fuerit, quod* capiat, *ita quod habeat* Corpus ejus, &c. *à die* Paschæ *in unum Mensem*, &c.

Staff. ff. *Dominus Rex per* Laurentium del Brock, *qui sequitur pro eo, optulit se quarto die versus Decanum & Capitulum de* Lychf. *de placito*, quare secuti sunt placitum in Curia Christianitatis de Ecclesia Sancti Michaelis de Coventr. *quam Dominus Rex contulit* Radulpho de Leyc. *Clerico suo*, &c. contra Coronam et dignitatem nostram, et contra prohibitionem nostram. *Et Decanus & Capitulum non venerunt*, &c. *Et præceptum fuit Vic. quod distringeret Episcopum* Hereford. *ita quod haberet Corpus suum ad hunc diem, & quod Episcopus ibi haberet*, &c. *Et Vic. nichil inde fecit. Ideo sicut alias præceptum est Vic. quod distr. eum per omnes terras*, &c. *quod sit à die* Paschæ *in unum Mensem*, &c. *Et Vic. sit anditurus judicium suum*, &c.

Hereford. ff. *Prior Sancti* Guslac. attach. fuit *ad respondendum* Domino Regi *de placito*, quare secutus est placitum in Curia Christianitatis de Advocatione Ecclesiæ de Lugwarden, quæ ad Dominum Regem pertinet, contra prohibitionem suam. *Et unde* Laurentius del Brock *qui pro Rege sequitur, dicit*, quod ipse secutus est placitum prædictum in prædicta Curia Christianitatis de prædicta Advocatione, quæ est præbenda Domini Regis, et quæ Dominus Rex dedit Magistro Johanni Maunsell. Unde Dominus Rex dampnum habet, &c. *Et inde producit sectam. Et Prior venit & defend. vim & injur. contra ipsum & sectam suam*, quod nullum placitum secutus est de Advocatione prædicta post prohibitionem, &c. *Et ideo concessum est, quod Prior vad. legem 12 manu*, &c.

Ibidem. *Idem* Laurentius *qui sequitur pro Rege, optulit se 4 die versus Magistrum* Johannem

nem Batcum *de placito*, quare tenuit prædictum placitum contra prohibitionem præ- *An.* 31 H. 3.
dictam, &c. *Et Magister non venit*, &c. *Et Vic. mand. quod* Clericus est, *& quod noluit invenire pleg.* quia nullum habet laicum feodum, &c. *per quod*, &c. *Et ideo mandatum est Episcopo* Hereford. *quod fac. venire ipsum* Johannem *ad prædictum term. ad respondend. Domino Regi de prædicta transgressione.*

Laurentius del Brock, *qui sequitur pro Rege, optulit se quarto die versus Magistrum* Radulphum de Lacock *de placito*, quare secutus est placitum in Curia Christianitatis contra libertates Ecclesiæ beatæ Mariæ de Stafford, quæ est libera Capella Domini Regis, et contra prohibitionem nostram. *Et ipse non venit*, &c. *Et Vic.* Wiltes *aliàs mandavit* quod Clericus fuit, &c. *Undè mand. fuit Episcopo* Coventr. *quod faceret eum venire*, &c. *Et Episcopus nichil inde fecit, nec breve misit. Ideo Episcopus sum.* &c. *à die* Pasch. ——— *Et primi*, &c. Wiltes. Warr. Suff. ff. Capella Domini Regis.

These with some more such Suits in the Plea-Rolls of this Term, sufficiently discover the Bishops and other Ecclesiastical Judges frequent usurpations upon the Kings Crown, Temporal Courts, and Subjects Free-holds, Liberties, with their manifold contempts and illegal Excommunications against his Prohibitions to restrain their usurpations; without which they had engrossed to themselves by degrees all Suits for Lands, Advowsons, Trespasses, Debts, Contracts triable in the Kings and Temporal Lords Courts; which these Prohibitions, and Actions for damages against the Prosecutors, and Ecclesiastical Judges, sometimes fined to the King for their contempts, and exceeding the bounds of their Ecclesiastical Jurisdictions, did in a good measure prevent, though not totally redress.

As the King by his premised Patents granted Tithes of all Hay and Mills in his Demesn Lands to Churches, and likewise of his Venison taken in his Forests to several Bishops and Abbots; so he did by this Charter grant to the Prioress and Nuns of S^t. *Maries* in *Chester* the 4^th. part of the Tithes of all the Victuals spent by him in his house, whiles he held the Earldom of *Chester* in his hands, and that his Son and all Earls of *Chester* and their heirs, should be chargeable with these Tithes, where ever they resided, according to a former Charter of *Hugh* Earl of *Chester*, which he hereby confirmed.

REX omnibus, *&c.* salutem. Sciatis nos concessisse Priorissæ et Monialibus Sanctæ Mariæ Cestriæ quartam partem Decimationis omnium victualium domus nostræ quocienscunque, quandocunque et quamdiu nos esse contigerit apud * Castrum, dum retinuerimus in manu nostra Comitatum Cestriæ; Ita quod alicui, sive filio nostro, sive alii Comitatum prædictum Cestriæ dederimus, Comes ille, et qui pro tempore fuerint successores sui Comites Cestriæ, dare teneantur prædictis Priorissæ et Monialibus et earum successoribus quartam partem Decimationis omnium victualium domus suæ, ubicunque iidem Comites aut familiæ suæ fuerint per totam Angliam, prout per Cartam Hugonis quondam Comitis Cestriæ prædecessores sui specialiter obligantur. Teste Rege apud *Radynges*, septimo die *Novembris*. Pat. 31 H. 3. m. 8. intus. Pro Monialibus Cestriæ. * *Cestriam.*

The like Donations of the Tithes of all sorts of Victuals, Wine, Liquors, Fish, Fowls, Butter, Cheese, *&c.* spent in Castles or houses, (for which no Tithes were due by Law) I find made by *William de Braosa* to the Monks of [a] *Bergavenny*, by [b] *Nigellus de Munevilla* to the Monks of *Folkestan*: yea [c] *William Peverel* granted to the Monks of *Lenton*; Duas partes omnium Decimationum de Dominicis meis, de omnibus rebus quæ decimari possunt. Item totam Decimam pullorum et pullarum super Dominicas pasturas meas. Item totam decimam plumbi mei, et venationis meæ, tam in corriis quam in carnibus, et totam decimam piscariæ meæ de *Notingham*: which our Kings confirmed by their Charters.

a Bundela Brevium An. 5 E. 3. nu. 101. b Mich. 4 H. 4. Rot. 10. dorso. in Scac. Monasticon Anglicanum, Vol. 1. p. 558, 560, 566. c Cart 10 E. 2. n. 10. Chart. 30 E. 3. n 7. Monasticon Angl. Vol. 1. p. 646.

King *Henry* having conquered *Lewelien* Prince of *Northwales*, claimed a right to present to a Church belonging to him in *Wales*, then voyd, by way of *conquest*; the first presentation by this kind of Title I have observed.

HEnricus *de Bretun* habet literas de præsentacione ad Ecclesiam Sancti *Michaelis de Kery* vacantem, et ad donationem Regis spectantem ratione conquestus Regis de terris quæ fuerunt *L.* quondam Principis *Norwalliæ* in *Sutwallia*, & diriguntur Episcopo *Menevensi*. Teste Rege apud *Merleberg*, decimo quinto die *Novembris*. Pat. 31 H. 3. m. 9. intus. De Præsentatione.

An. 32 H. 3

Tom. 2. p. 718. l. 14. after *Jan.* adde; I found this original Writ issued this year by King *Henry*: *Vic.* Huntindon. *Pone per vad. & salvos pleg. Episcopum* Linc. *quod sit coram Justic. nostris Itinerantibus apud* Rading. *&c. Et habeat Priorem Sancti* Michaelis *de* Saundford, *& Magistrum* Johannem le Fraunceys, *ad respondend.* Mauricio de Arundeli, quare tenuerunt placitum in Curia Christianitatis de catallis et debitis ipsius Mauritii quæ non sunt de Testamento vel Matrimonio, contra prohibitionem nostram. *Et similiter quod ibidem habeat Magistrum* Alexandrum de Standford, *ad respondend. eidem* Maur. quare secutus est idem placitum in eadem Curia, &c. *Teste* R. de Thurkelby *apud* Glouc. 8 *die* Maii, *Anno regni nostri tritesimo secundo.*

An. 33 H. 3.

Tom. 2. p. 726. l. 11. after *Augusti*, adde; In the decayed *Placita Assisarum* (in the *Tower*) *de Itinere*: H. *de* Bathon. *& Sociorum suorum Itin. apud* Winton. *in Crastino S.* Hillarii, *An.* 33 H. 3. M. *uxor* Willielmi Seel, *attachiata fuit ad respondend.* Ceciliæ *quæ fuit uxor* Elyæ de Pestar; quare secuta est placitum in Curia Christianitatis de laico feodo ipsius Ceciliæ in Winton, contra prohibitionem, &c. coram Mag. Galfrido de Fermiges, Officiali Dom. Episcopi Winton, exigendo ab ea quinque Sextuagia, ita quod fecit eam capi et excommunicari postquam detulisset ei Regiam prohibitionem. Et unde dicit, quod deteriorata est et damnum habet ad valenciam 20 l. et inde producit sectam, *&c.* No doubt there were more of this kind in the Rolls of that Term, most of which are putrified, torn, illegible. In broken Rolls about the same year, I found two more of this kind.

* Godwins Catalogue of Bishops, p. 363.

William de Cantelupo, Son of * *William* Lord *Cantelupe*, a man of great birth, stomack and courage, who kept a great Retinue when Bishop of *Worcester*, with *his whole Family*, and the *Family of the Treasurer of Lychfield* were accused, appealed both for drowning and murdering several of the Kings Subjects in a most barbarous manner at *Kemesey*; whereupon the King issued this memorable *Writ of Inquiry* for the full and particular discovery, as well of the Commanders and Plotters, as Actors of this horrid Trespass, though the Bishops own menial Servants, he being suspected (as it seems) to abet them therein.

Pat. 33 H. 3. intus m. 5. De inquisitione faciendâ apud Kemesey.

REX dilectis & fidelibus suis Magistro *Simoni de Wanton* & *Stephano Brabanzan*, salutem; Sciatis, quod assignavimus vos, una cum Vicecomite nostro *Wigorniæ*, & coronatoribus nostris ejusdem Comitatus, ad inquisicionem faciendam de submersis & interfectis nuper apud *Kemesey*, unde multi multos appellant, & multi rectati sunt tam de facto quam de præcepto, utpote tota familia *Wygornienſis* Episcopi de *Kemesey*, et R. Thesaurarii *Lychfeld*. Et ideo vobis mandamus, quod in Crastino Sancti *Laurencii* Martyris conveniatis apud *Wygorniam* ad prædictam inquisitionem faciendam super tam enormi et horribili transgressione commissa contra pacem nostram. Et cum constiterit vobis per inquisitionem prædictam qui fuerint inde culpabiles, tam de facto quam de auctoritate, omnes illos capi faciatis et in prisonam nostram retrudi, & inde distinctè & apertè nos reddatis certiores. Mandavimus enim Vicecomiti nostro prædicto quod appellantes appellatos & rectatos si inventi fuerint, cum eorum attachiamentis et aliis quæ ad negotium pertinent, dictis die & loco coram vobis venire faciat. Teste, *&c.* apud *Wodestok* 23 die *Julii*.

The King standing in need of Moneys this year for the recovering and defence of the Rights of his Crown, both on this side and beyond the Seas, sent this memorable Letter to some rich Abbots for a present supply.

Pat. 33 H. 3. intus m. 9. De Subsidio petendo.

R. Tali Abbati, salutem. Si Regiæ Majestatis dignacio pro Juribus regni tuendis devotorum et fidelium suorum amicitiam experiri voluerit, vel si ipsi suum Principem sub cujus alis protecti respirant, obsequio corporali et munerum obligatione frequenter honorent, non est mirum. Cum igitur deficientibus jam treugis inter Dominum Regem *Franciæ* & nos pro recuperatione et defensione Jurium nostrorum, tam in cismarinis quam in transmarinis partibus, ad quas nuper misimus magnam Militum comitivam, oporteat nos facere magnos sumptus, et ob causas diversas manum liberalitatis pluribus aperire, dilectos Clericos nostros *Th. de Stanford*, et *Willielmum de Axemua*, una cum singulis Vicecomitibus dictorum Comitatuum ad vos transmittimus, rogantes attente, quatinus ipsos in negocio nostro, quod vobis exponent, animo nos in eis favorabiliter audientes, ad alleviationem sumptuum prædictorum nos de pecunia vestra tam habundanter juvetis, quod id vobis debeamus retributione valida compensare. Teste Rege apud *Oxonium*, 10 die *Decembris*.

Pope

Pope *Innocent* the 4th. in the 6th. year of his *Papacy*, ſent this ſhort Bull to King *Henry*, affectionately intreating him to aſſign in his name the 1000 Marks due from him this year to the Church of *Rome*, under the name of a *Rent* or *Tribute*, (by pretext of King *John*'s voyd Charter) to the Treaſurer of the *Temple* in *London*, the original whereof I retrived in the *White Tower*. *An.* 33 & 34 Hen. 3.

INNOCENTIUS Epiſcopus, ſervus ſervorum Dei, chariſſimo in Chriſto filio Regi *Anglorum* illuſtri, ſalutem & Apoſtolicam benedictionem. Excellentiam tuam affectione paterna rogamus, quatinus mille marcas ſterlingorum quas pro anno præſenti Eccleſiæ *Romanæ* nomine Cenſus debes, dilecto filio Theſaurario Domus Militiæ *Templi London.* ſolitæ devotionis affectu, nomine noſtro facias aſſignari: Dat. *Lugdun.* 5 Kal. *Auguſti*, Pontificatus noſtri anno ſexto. Anno 33 H. 3. in Turri Lond.

Dorſo, *De Cenſu annuo Domino Papæ debito.* Examinatur.

I find by the * *Liberate-Rolls*, that this Rent due for the 31. year of *Henry* the third, was then payd to the Treaſurer of the *Temple*; but that any was payd this year by virtue of this Bull, I cannot diſcover by any Record. * Lib. 31 H. 3. intus. m. 1. Here, Tom. 2. p. 309.

In the *Plea-Rolls* of *Term.* Mich. *an.* 33 & 34 H. 3. in the *Tower*, I diſcovered theſe enſuing Suits and Attachments for holding and proſecuting Pleas of Chattels and Debts not Teſtamentary nor of Matrimony, and of Advowſons and Lay-fee, in Courts Chriſtian; againſt the Kings Prohibitions, Crown and dignity.

Hamo de Parceny & Mitilda *uxor ejus per Attornat.* &c. *obt. ſe 4 die verſus* Galfr. *Vicarium Eccleſiæ de* Maudeby, *de placit.* quare ſecutus eſt, & *verſus* Johannem *Decanum de* Landeleſhaw, quare tenuit placitum in Curia Chriſtianitatis de catallis et debitis quæ non ſunt de Teſtamento vel Matrimonio, et contra prohibitionem, &c. *Et ipſi non venerunt*, &c. Plac. Term. S. Mich. m. 1. An. 34 H. 3. Rot. 5. Linc.

David *Decanus de* Croft attach. fuit *ad reſpondend.* Adelth. de Hennoyr, quare tenuit placitum in Curia Chriſtianitatis de catallis et debitis quæ non ſunt de Teſtamento, &c. *Et unde eadem* A. *queritur, quod quidam* Willielmus le Clerke *implacitaviſſet ipſam coram ipſo* David, *petendo ab ipſa* 4 *ſol.* qui non ſunt de Teſt. &c. *Et ipſe* A. &c. an. 33. *in Eccleſia Sancti* Petri *de* Leomynſtr. *detuliſſet ei breve Dom. Regis* de Prohibitione, ne placitum illud teneret. *Idem* David ſpreta prohibitione illa tenuit placitum prædict. et ipſam ab ingreſſu Eccleſiæ ſuſpendere fecit, et poſtea excommunicavit. *Unde dicit, quod per hoc quod tenuit Placit. prædict.* deterioratus eſt et dampnum habet ad valenc. 100 s. *Et inde producit ſectam*, &c. Hereford. Rot. 36.

Elyas Hinge, &c. *obtulit ſe 4 die verſus* Philip. de Marer, quare ſecutus eſt placit. in Curia Chriſtianitatis de catallis, &c. quæ non ſunt de Teſtamento, &c. contra prohibitionem, &c. Ibid. Rot. 50. inus. Suſſex.

Hugo de Bygot *per*, &c. *obt. ſe 4 die verſ. Magiſtr.* Hug. de Cantilupo *Præcentorem* Ebor. *et* Willielm. *Archidiac.* Rychmund. *et* Johan. de Heſel *de placit. quare prædict. Præcentor. & Archidiac.* tenuerunt placit. in Curia Chriſtian. de Advoc. 4. partis Eccleſiæ de Cotingham contra prohibitionem. Et quare prædict. Johannes ſecutus eſt idem placitum contra eandem prohibitionem. *Et ipſi non venerunt*, &c. *Et etiam mandatum eſt Decano & Capit.* Ebor. *quod fac. ipſos venire, eo quod ſedes vacua, &c. qui nichil inde fecerunt. Et quia modo eſt ibi Archiepiſcopus, mandatum eſt Archiepiſcopo* Ebor. quod faciat eos venire. Such manifold Delayes did Biſhops and Cathedral Clergymen make in ſuch Suits, againſt their uſurped Juriſdiction. Ibid. Rot. 38. dorſ. Ebor.

Henricus Salisbur. *obtulit ſe 4 die verſus Magiſtr.* Willielm. de Brokedagh *Perſonam Eccleſiæ de* Waudegrave, & Egid. de Rous *Archidiac.* Norwic. *de placito, quare idem* Willielmus ſecutus eſt placitum in Curia Chriſtianitatis de laico feodo ipſius Henr. *in* Waudegrave, &c. & *de plac.* quare idem Egid. tenuit idem placitum in eadem Curia Chriſt. contra eandem prohibitionem. *Et de placito*, quare prædicti Willielmus et Egidius poſtea in dampnum et deceptionem Curiæ Dom. Regis, et in contemptum Coronæ et dignitatis ejuſdem Domini Regis, occaſione prædicti placiti fecerunt ipſum Henricum capi et incarcerari in priſona Norwic. et ipſum in eadem priſona detinuerunt; per quod idem Henricus in eadem Curia Domini Regis prædictum placitum non potuit proſequi verſus eos. *Et ipſi non venerunt: & præceptum eſt Vic.* quod attach. eos, &c. For this their contempt, vexation, oppreſſion and deceit. Ibid. Rot. 37. dorſ. Norwic.

Tom. 2. p. 759. l. *ult.* after *patentes*, inſert;

The Archdeacon of *Taunton* having obtained a definitive ſentence for the Prebendary of St. *Decuman* in the Dioceſs of *Bath* and *Wells*, before the Popes Delegates *An.* 34 H. 3.

An. 34 H. 3. in *England*; the Pope upon his Petition issued this Bull for the confirmation and execution thereof by Ecclesiastical censures, without any Appeal: the Original whereof I discovered in the *White Tower:*

An. 34 H. 3. in Turri London.

INNOCENTIUS Episcopus, servus servorum Dei; dilectis filiis S. *Pauli* & *Martini* Decanus, & *Johanni* de S. *Laurentio* Canonico S. *Pauli London.* salutem & Apostolicam benedictionem. Dilectus filius *W.* Archidiaconus de *Taunton* à nobis humiliter postulavit, ut diffinitivam sententiam quam venerabilis frater noster Episcopus *Elyen.* et consudices sui a sede Apostolica delegati, pro eo contra *R. Poretannum Bathon.* Diocesis super Præbenda Sancti *Decumanni* rationabiliter protulerunt, Apostolico dignaremur munimine roborare. Quocirca discretioni vestræ per Apostolica scripta mandamus, quatinus sententiam ipsam sicut est justa faciatis per censuram Ecclesiasticam, Appellatione remota, firmiter observari. Quod si non omnes hiis exequendis potueritis interesse, duo vestrum ea nichilominus exequantur. Dat. *Romæ* apud Sanctum *Petrum*, 10 Kalend. *Januarii*, Pontificatus nostri anno octavo.

Plac de Term. S. Mich. &c. An. 34 H. 3. in Turri London

In the Plea-Rolls, *Termino* Pasch. & *Term. Sancti* Michaelis, *An.* 34 H. 3. in the *Tower*, there are these Suits upon contempts for suing in Court Christian, against the Kings Prohibition, Crown and Dignity.

Kermerd.

Thomas *Episcopus de Sancto* David. attach. fuit ad respondendum Mereduk fil. Ros *de placito*, quare tenuit placitum in Curia Christianitatis de furcis levat. in terra ipsius Mereduk. in Keytheynoc, quod spectat ad Coronam et dignitatem Domini Regis, &c. *Et unde queritur, quod cum detulisset ei* Literas Prohibitionis *apud* Kermerd. *ubi fecit ordines suos, dictus Episcopus nichilominus* tenuit dictum placitum postea in Curia Christianitatis; unde dampnum habet ad valenc. &c. *Et inde producit sectam*, &c.

Et Episcopus venit & defendit vim, &c. *Et dicit defend.* quod nunquam tenuit placitum de furcis levatis in Curia Christianitatis, &c. *Et hoc benè defend. contra ipsum & sectam suam. Et ideo conf. est quod vad. Legem suam se* 12 *manu. Et veniat cum lege die* Pasch. *in* 15 *dies: pleg. de Lege* Willielmus Hay & Willielmus de Wilton. *Et ad diem illum venit dictus Episcopus & sufficien. fecit legem suam. Et ideo consideratum est, quod Episcopus inde sine die. Et* Mereduk *in misericordia.*

Ibidem.

Idem Episcopus attach. fuit *ad respondend. prædict.* Mereduc. *de placito*, quare ad præsent. ipsius Mereduc. non admisit idoneam Personam ad Ecclesiam de Landeveny, *cujus Ecclesiæ Advocationem idem* Mereduc *disrationavit* versus ipsum Episcopum per Assisam ultimæ præsentacionis inter eos captam, *coram Ballivo de* Kermerd. *sicut ei Dominus Rex alias mand.* &c: *Et unde queritur, quod cum secutus fuit breve Domini Regis ultimæ præsentationis in Curia de* Kermerd. *versus ipsum Episcopum de Advocatione prædictæ Ecclesiæ, & dicta Assisa ibidem capt. fuit: Ita quod per Assisam illam recuperaverit seisinam suam, & habuit breve Domini Regis ad ipsum Episcopum, quod ipse admitteret idoneam personam ad præsentationem suam,* dictus Episcopus recusavit idoneam personam admittere, in præjudicium et destructionem Coronæ et dignitatis Domini Regis, et ad dampnum ipsius Mereduc. C. Libr. *&c.*

Et Episcopus venit & defendit vim, &c. *& dicit*, quod non debet hic in Curia Laicali respondere. *Quia dicit*, quod examinatio Personæ, utrum sit idonea vel non, mere spirituale est, et ad forum suum spectat; nec vult, nec debet inde hic respondere. *Præterea dicit*, quod placitum de Advocationibus Ecclesiarum in partibus suis est mere spirituale, et ipse et prædecessores sui semper placitaverunt prædictum placitum; unde non vult, nec debet de illo placito hic respondere, nec parere, nec facere inde ad mandatum Domini Regis, licet plac. illud deducatur in Curiam Domini Regis. (A strange, disloyal, contemptuous Plea.)

Nota.

Nota.

Et quia Dominus Rex est in seisina de placitis Advocationum Ecclesiarum in Curia sua per totum regnum suum; ita quod omnes Episcopi postquam loquela inde deducta sit in Curia Domini Regis debent ad mandatum Regis idoneam personam admittere. Et Dominus Rex non petit, quod ipse Episcopus respondeat de examinatione idoneitatis, quia si unus non idoneus præsentatus sit, admittat alium qui sit idoneus, set * tamen quod ad mandatum suum de loquelis deductis in Curia sua, idoneum Clericum admittat, &c. Et ipse Episcopus dicit, quod non vult hic inde respondere, nec mandato Regis parere, set dicit quod ipse vult habere dictum placitum in Curia sua, quod est manifeste contra Coronam et dignitatem Domini Regis,

* *tantum.*

Regis, et ad exhæredationem Domini Regis. Et Episcopus non vult aliud dicere, consideratum est, quod prædictus Episcopus est indefensus in Curia Domini sui; Et prædictus Mereduc recuperet dampna sua, et Episcopus in misericordia; Et Dominus Rex provideat sibi de Jure suo, &c. *Postea præceptum est Ballivo de* Kermerden quod distringat Episcopum per Baroniam, quod admittat idoneam personam, &c. Et damna taxata sunt ad 20 Marc. et mandatum est dicto Ballivo quod fac. denar. levari, &c. (A memorable Case.) *An.* 34 & 35 Hen. 3.

Wall. ff. *Idem* Mereduc *per eundem Atturn. opt. se 4 die versus eundem Episcopum de placito*, quare tenuit placitum in Curia Christianitatis de furcis levatis in terra ipsius Mereduc in Keytheynot quod spectat ad Coronam et dignitatem Domini Regis, &c. Et quare tenuit placitum in eadem Curia de laico feodo ejusdem Mereduc in eadem Villa, contra prohibitionem, &c. *Et ipse non venit*, &c. *Et Vic. mand. quod Episcopus* attach. fuit *per* Tankard de Hosp. & Johannem Dumeit. *Ideo ponatur per mel. pleg. & quod sit ad eundem Terminum. Et primi*, &c. Ibidem.

Kermerd. ff. *Dies datus est* Mereduc *filio* Ros, *per Atturn. suum quer. & Episcopo* Menevens. *de placito*, quare secutus est placitum in Curia Christianitatis, de Advocatione Ecclesiæ, &c. *Et de placito*, quare non admisit, &c. *à die Sancti* Michaelis *in* 15 *dies*. Et prohibitum est prædicto Episcopo, ne sequatur dictum placitum infra prædictum tempus. *Et si occasione prædictorum placit.* promulgavit sententiam in ipsum et homines suos, quod interim absolvet eos, &c. De Termino Paschæ, an 34 H. 3. in Turri London.

In the Fragment of the *Plea-Rolls* of *Trin. Term. An.* 35 H. 3. I meet with these Suits and Attachments for holding and prosecuting Pleas of Chattels, Lay-fees, and Advowsons in Court Christian, against the Kings Prohibition, Crown and Dignity. *An.* 35 H. 3. Plac. de Term. Trin. An. 35 H. 3. in Turri London.

A. B. *&c. optulerunt se 4 die versus* Stephanum *Decanum* Bristoll. *de placito*, quare tenuit placitum in Curia Christianitatis de laico feodo suo, *&c.* in suburbio Bristoll. contra Prohibitionem, *&c. Et* Stephanus *non venit*, *&c. Et præcept. fuit Vic.* Glouc. *quod*, *&c. Et unde mand. quod præceptum est Ballivis* Bristoll. quod attach. eum, *&c. qui*, *&c. Et præceptum est Vic.* G. *quod non omittat propter libertatem prædictam*, quin attachiet, *&c.* Adhuc de Crastin. S. J. Bapt. coram Thurkelby, &c.

Glouc. Willielmus *Abbas Sancti* Augustini Bristold. attach. fuit *ad respondendum* Willielmo Wylekoc *de placito*, quare secutus est placitum in Curia Christianitatis de laico feodo ipsius Willielmi in Bristold. contra Prohibitionem, *&c. Et unde prædictus* Willielmus *queritur*, *quod prædictus Abbas* eum traxit in placitum in Curia Christianitatis de 8 solidis in Bristold. coram Archid. de Glamorgan quas ab eo petiit; ita quod eum fecit excommunicari postquam ei detulit prædictam Prohibitionem, unde dicit quod deterioratus est et dampnum habet ad valenciam C. libr. Adhuc de Oct. S. Joh. Bapt.

Et Abbas venit & defendit vim & injuriam quando, *&c. Et benè defendit*, quod nunquam implacitavit ipsum de prædictis 8 solidis, quare dicit quod ipsemet est inde in seisina et semper fuit, nec aliquas soldas ab eo exigit nec unquam exigebat. *Et* Willielmus Wylekoc non potest hoc dedicere. *Ideo prædictus Abbas inde sine die. Et prædictus* Willielmus *in misericordia.*

Glouc. Patricius de Chahurs attachiatus fuit *ad respondendum Abbati Sancti* Petri Glouc. *de placito*, quare secutus est placitum in Curia Christianitatis de advocatione Ecclesiæ de Pambrey, contra Prohibitionem, *&c. Et unde idem Abbas queritur*, quod idem Patricius traxit eum in placitum de prædicta advocatione coram Episcopo Sancti Andreæ in Scocia postquam ei detulit prædictam Prohibitionem; unde dicit quod deterioratus est et dampnum habet ad valenciam ——. *Et inde producit sectam*, *&c.* Adhuc de Oct. S. Trinitatis.

Et Patricius *per Attornatum suum venit & defendit vim & injuriam*, *&c. Et benè defendit*, quod nunquam secutus fuit aliquod placitum in Curia Christianitatis de prædicta advocatione post primam Prohibitionem. *Et hoc offert defendere contra ipsum & sectam suam. Ideo*, *&c. per* 12 *manu. Et ven. cum lege in Crastino Sancti* Michaelis.

In a broken Plea-Roll (torn off from the Bundle) about the same year, as I conjecture, there are these Law-suits upon Prohibitions. Plac. de Term. Hil. Anno 35 H. 3. (as I guess) in Turri London.

Norht. Willielmus de Ferariis *Comes* Dereb. *per Attorn. suum optulit se 4 die versus* Thomam de Ferar. *& Magistrum* Hubertum *Personam Ecclesiæ de* Hengham *de placito*, quare secuti sunt placitum in Curia Christianitatis de catallis quæ non sunt de Testamento vel Matrimonio contra, *&c. Et ipsi non ven. &c. Et mandatum* Ibid. eodem Rotulo.

An. 35 H. 3. *datum fuit Episcopo, &c.* quod eos venire fac. ad hunc diem, eo quod Clerici sunt et non habent laicum feodum, *&c. Et ideo, &c.* ——*prædictum Episcopum, quod sit à die Sancti* Martini *in* 15 *dies. Et ibi habeat prædictos* ——————.

Adhuc de Crastino Pur. B. Mariæ.

Ebor. Thomas de Warthull & Robertus de Wymbelton *per Attorn. suum optulerunt se* 4 *die versus Magistrum* Thom. de Pykering, *Magistr.* Simonem de Claris vallibus, *Magistr.* Petrum de Alnewyk, *Magistr.* Rogerum de Flore, *(and five more named:) de placito*, quare secuti sunt placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem, *&c. Et ipsi non venerunt. Et præceptum fuit Vic.* quod attach. eos, *&c. Et Vic. nichil inde fecit, &c.*

Adhuc de Quindena.

Ebor. Richardus Pocke & Terricus de Colonia & *aliis Burgenses de* Estaunford *per Attorn. suos opt. se* 4 *die versus Priorem* Dunholm. *de placito*, quare secutus est placitum in Curia Christianitatis de catallis ipsorum quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem, *&c. Et ipse non venit, &c. Et Prior* attach. fuit *per* Walterum *fil.* Thomæ & Henr. *præpositum. Et ideo ponatur per meliores pleg. quod sit à die* Pasch. *in* 5 *Sept. Et primi, &c.*

Tom. 2. p. 758. l. 10. after *Januarii*, insert: Many of the Kings Subjects in *England* and other his Dominions having Crossed themselves, and others intending to take up the Cross for relief of the *Holy Land* at the Popes and Kings instigation, and the Freers imployed to preach it, were very much discouraged therein, fearing that the King and Pope would exact greater sums from them to release their Vowes, then they promised when they took up the Cross, by former * experiments and exactions of this kind; whereupon the King to take away these fears and jealousies, issued this Writ.

* See here, p. 74.

Pat. 35 H. 3. pars unica, m. 13. intus De Crucesignati.

REX omnibus, *&c.* Quoniam, ut audivimus, multi in regno nostro et terris nobis subjectis trepidaverunt timore ubi non erat timor, ut omnis suspicio mali tollatur de medio, bona fide promittimus, quod nullum crucesignatum vel crucesignandum in prædictis regno nostro et terris compellemus, aut compelli faciemus, ratione Crucis assumptæ vel assumendæ, ad solvendum majorem summam pecuniæ pro redemptione voti quam promiserit in ipsa Crucis assumptione. In cujus, *&c.* Teste Rege apud *Windesores*, 17 die *Januarii*.

As the King by his Letters Patents usually granted licenses to our *English* Bishops and their Executors freely to devise and dispose of their goods by their Wills, their debts to the Crown first satisfied: so did he to some Bishops in *Ireland*; as this Record assures us.

Pat. 35. H. 3. m. 10. intus. Pro Executoribus Q. quondam Offoriensis Episcopi.

MAndatum est *Johanni* filio *Galfridi* Justic. *Hyberniæ* quod permittat Priorem de *Conale* et alios executores Testamenti *Galfridi de Turvill* Episcopi *Offoriensis* habere liberam administrationem omnium bonorum quæ fuerunt ejusdem Episcopi: Ita quod de primis bonis leventur debita Regis quæ Regi debebat, et quæ sunt clara. Teste Rege apud *Westm.* 12 die *Aprilis*. Et sunt patentes.

This Pope *Innocent* sending and imploying his *Italian* Usurers and Merchants into *England* to negotiate his affairs, promote his extortions and exactions, and return the moneys extorted from the Clergy and others to *Rome*, sent this Bull to the King to crave his protection of their persons and goods from all injuries throughout his Dominions.

Bulla Orig. in Turri Lond.

INNOCENTIUS Episcopus servus servorum Dei, charissimo in Christo filio Regi *Angliæ* illustri, salutem & Apostolicam benedictionem. Regalis excellentiæ quamplurimum interest, ut illis, qui pro suis in regno tuo negotiationibus commorantur, te non gravem sed benignum exhibeas, et serenitate Regia mansuetum. Cum igitur *Fredericus Rolland.* & *Thebaldus Tebalducci*, socii dilecti filii *Boniventuræ Lupelli* Civis & Mercatoris *Senen.* devoti nostri, in eodem regno pro suis exercendis negotiationibus moram trahant; Celsitudinem tuam rogandam duximus attentius & hortandam, quatenus Mercatores eosdem permittens in prædicto regno & toto districtu tuo liberè commorari, eos occasione aliqua non molestes nec ab aliis molestari patiaris: sed potius ipsos cum omnibus rebus eorum, pro Apostolicæ sedis et nostra reverentia favorabiliter manuteneas et defendas; ita quod Magnificentiam tuam proinde dignius in Domino laudibus attollamus. Dat. *Perusii*, 10 Kal. *Marcii* Pontificatus nostri anno nono.

This

This active Pope likewise, some few moneths after, sent this original Bull (I reseued from the rubbish in the *White Tower*) to King *Henry*, humbly intreating, (not requiring or commanding) him for the reverence he did bear to the See Apostolick and him, favourably to assign and restore the Royalties and possession of the Bishoprick of *Imelic* in *Ireland* to *Gilbert* Bishop thereof, and to afford him his counsil, favor and assistance therein. *An.* 35, 36, & 37 H. 3.

INNOCENTIUS Episcopus servus servorum Dei, charissimo in Christo filio illustri Regi *Angliæ*, salutem & Apostolicam benedictionem. De tua excellentia inter Reges alios specialiter confidentes, libenter tibi cum honore tuo expedire cognoscimus, dirigimus preces nostras, sperantes eis a te cum devotione recipi, et cum efficacia effectui demandari. Hinc est quod serenitatem Regiam monemus, roganus et hortamur attente, quatinus venerabilem fratrem nostrum *Gilibertum* Episcopum *Ymilacen.* ob reverentiam Apostolicæ sedis et nostram habens in suis et Ecclesiæ sibi commissæ negotiis multipliciter commendatum; ac Regalia ejusdem Ecclesiæ liberaliter sibi faciens assignari, eidem ut possessionem Episcopatus *Ymilacen.* adipisci valeat, præstes auxilium, consilium et favorem; ita quod exinde celsitudinem tuam dignis possimus in Domino laudibus commendare. Dat. *Mediolan.* 9 Kal. *Augusti*, Pontificatus nostri anno nono. Au. 35 H. 3. in Turri London.

Tom. 2. p. 782. l. 19. after *Augusti*, insert: *Placita coram Domino Rege à die* Paschæ *in* 15 *dies*, *Anno* 36 H. 3. I find this Attachment against an Archdeacon for holding a Plea of, and against a prosecutor for following of a Suit in Court Christian for Goods and Chattels, against the Kings Probibition. *An.* 36 H. 3.

Johannes le Faukener *optulit se* 4 *die versus* Willielmum *Archidiaconum* Lincolniæ *de placito*, quare secutus est placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra prohibitionem, &c. *Et ipse non venit*, &c. *Et Vicecomes mandavit quod Clericus est, & non habet laicum feodum in balliva sua per quod*, &c. *Ideo mandatum est Episcopo* Lincolniæ, *quod faciat ipsum venire in Octabis Sanctæ Trinitatis*, &c. Rot. 1. dorso. Linc.

Idem Johannes *optulit se* 4 *die versus Abbatem de* Bardeney *de placito*, quare secutus est idem placitum contra prohibicionem, &c. *Et Abbas non venit*, &c. *Et Vicecomes mandavit quod* fuit attachiatus *per* Walterum de Scendelby, & Rogerum de Stepynge. *Ideo ponatur per meliores plegios, quod sit*, &c. *ad prædictum Terminum. Et primi*, &c.

In the *Plea-Rolls* of the same year (in the *Tower*) I met with this Suit, by the King, upon an Attachment for an Excommunication.

Dom. Rex *per* Laur. del Brok *qui sequitur pro eo, optulit se* 4 *die versus Magistr. de* Sanwyc Decanum de Arcubus *Ecclesiæ Sanctæ* Mariæ London. *de plac.* quare ipse excommunicationis sententiam promulgavit in dilectum et fidelem ipsius Domini Regis Waleran. Senescallum suum, quia tenuit placitum quod spectat ad Coronam et dignitatem Domini Regis. *Et similiter in* Duloam de Luxeburgh, quia secuta fuit idem plac. in eadem Curia. *Et plures fecit defaltas, ita quod præcept. fuit Officiali Archiepiscopi* Cant. *quod venire fac. Et Offic. nichil inde fecit. Ideo pracept. est Vic. quod capiat in manus Dom. Regis omnes terras ejus, & habeat corpus ejus, &c. ad pradict. Terminum.* Plac. Term. Pasch. An. 36 H. 3. Middl. rot. 3. dorso.

Tom. 2. p. 797. l. 29. after *instigations*, subjoyn. It is very observable, First, That the form of this General Excommunication then denounced was prescribed and assented to by the King, and all the Temporal Lords. 2ly. That whereas the Bishops and Clergy in the *Council of Oxford*, and other Synods had thrust into their General Excommunications sundry Clauses concerning their pretended Church-liberties, which the King and Lords never assented to, and which they publickly denounced every year; thereupon the King, Nobles, and all the Commons publickly protested before the Archbishop of *Canterbury*, and all the Bishops in this Parliament, That if any of them, or any other should insert into this or any publick form of Writings or Excommunications already made, or to be made, any other *thing*, *clause*, or *articles*, than they herein prescribed and agreed to, that they never assented, nor would assent thereto, but did plainly contradict the same. 3ly. That the King himself, with his own mouth in the pronunciation of this Sentence, exempted out of it all pretended Liberties claimed by the Pope or Clergy, against the antient and accustomed Liberties of his Realm, and the Dignitie, Rights of his Crown, *An.* 37 H. 3.

An. 37 H. 3. Crown, as this memorable Record attests, to which the Kings and Nobles set their Seals for a perpetual memorial thereof to all posterity.

Pat. 37 H. 3. m. 12. dorso. NOverint universi, quod Dominus *H.* Rex *Angliæ* illustris, *R.* Comes *Norff.* & Marescallus *Angliæ*, *H.* Comes *Hereford.* & *Essex. J.* Comes de *Warrewico*, *Petrus de Sabbaudia*, cæterique Magnates *Angliæ*, consenserunt in Sententiam Excommunicationis generaliter latam apud *Westm.* tertiodecimo die *Maii* anno regni Regis prædicti 37. in hac forma, scilicet, Quod vinculo præfatæ Sententiæ ligentur omnes venientes contra libertates contentas in Cartis communium libertatum *Angliæ*, et de Foresta; et omnes qui libertates Ecclesiæ *Anglicanæ* temporibus Domini Regis et Prædecessorum suorum Regum *Angliæ* optentas et usitatas, scienter et maliciose violaverint aut infringere præsumpserint. Et omnes illi qui pacem Domini Regis et regni perturbaverint; et similiter omnes qui Jura et libertates Regis et regni diminuere, infringere, seu immutare præsumpserint. Et quod omnes venientes contra præmissa, vel eorum aliqua ignoranter, et legitime moniti, infra quindenam post monitionem præmissam dictam transgressionem non emendaverint, extunc prædictæ Sententiæ Excommunicationis subjacebunt. Ita tamen, quod Dominus Rex transgressionem illam per considerationem Curiæ suæ faciat emendari. Sciendum autem, quod si in scriptis super eadem Sententia a quibuscunque confectis seu conficiendis, aliud, vel aliter appositum, vel adjectum fuerit, aut articuli aliqui alii in eis contenti inveniantur, * Dominus Rex, et prædicti Magnates omnes, et Communitas populi protestantur publice in præsentia venerabilium Patrum *B.* Dei gratia *Cantuariensis* Archiepiscopi totius *Angliæ* Primatis, necnon et Episcoporum omnium in eodem Colloquio existencium, quod in ea unquam consenserunt, nec consenciunt, set de plano eis contradicunt. Præterea, præfatus Dominus Rex in prolacione præfatæ Sententiæ omnes libertates contra consuetudines regni nostri * antiquas et usitatas, et dignitates, et Jura Coronæ suæ, ore proprio specialiter sibi, et regno suo salvavit, et excepit. In cujus rei memoriam et in posterum veritatis testimonium, tam Dominus Rex, quam prædicti Comites, ad instanciam aliorum Magnatum, et populi, præsenti scripto sigilla sua apposuerunt.

* *Nota.*

* Ratified in a Parliament at Clarendon: See Tom. 1. p. 610, to 614.

By which Record it is apparent; First, That the King and Nobles then had and claimed an antient legal Right to prescribe the Forms of all publick Excommunications, not the Bishops alone, and to [a] joyn in the denuntiacions of them with the Bishops. 2ly. That the Bishops could not legally make nor prescribe any new Forms, Clauses or Articles of Excommunication without them or their assents thereto. 3ly. That all the Clauses and Articles of Excommunication thrust by the Bishops and Clergy into their General Sentences of *Excommunication*, made and published by *Simon Langeton* Archbishop of *Canterbury* in the *Council of Oxford*, by Archbishop *Boniface* in the *Council of Lambheth*, by Archbishop *Peckham* in the *Council of Reding*, and other *Bishops* in their *Synods*, not ratified by the King and Lords, (published as Canonical, by [b] *Lyndewode*, [c] *John de Aton* of old, and in [d] Sir *Henry Spelmans Second Tome of Councils* of late,) are illegal, contrary to this Royal protestation of the King, Lords and Commons of *England*, and the *Great Charter of Liberties*, yea meer usurpations on the Subjects Liberties and Consciences, fit to be exploded, and severely punished by Regal prosecutions against those who maliciously or presumptuously denounced, or shall hereafter denounce them against the King, his Officers or Subjects.

a See Tom. 1. p. 230, 234, 250, 251, 262, 266, 277, 1179, 1800, 1181, to 1188.

b Provinc. l. 5. De Sententia Excommunicationis, f. 248, 249, &c. l. 1. f. 37.

c Constit. Provinc, f. 121, 128, 131, 132, 134, 135, 136, 137, 139, 140, 141. 151.

d Tom. 2. p. 158, 159, 169, 181, 182, 237, 238, 300, 319, 383, 384, 394, 395, 472, 473, 474, 475, 500, 581, 582, 589.

Tom. 2. p. 807. l. 4. after *Regem*, adde: In the Fragments of *Plac. Assisarum & Coronæ* (in the *Tower*) *apud* Northt. *post Quindenam Purificationis*, *An.* 37 *regni Regis* Henrici 3. *coram* Gilberto de Preston, *Magistro* Simoni de Wauton, & *sociis suis Justiciariis Itinerantibus.*

Hugo de Baresford *optulit se, &c. versus Mag.* Robertum de Northt. quare secutus est placitum in Curia Christianitatis de laico feodo ipsius Hugonis in Oxon. contra Prohibitionem, *&c.* The other Suits of this kind in these Rolls are putrified and perished with the Rolls.

Pope *Innocent* the 4th. to encourage King *Henry* in his intended Expedition to the *Holy Land*, for which he had Crossed himself, authorized the Bishops of *London* and *Chichester* to Excommunicate the persons, and Interdict the Lands of all such who should by any wayes invade, molest or disturb his Lands or Goods in the Provinces

of

of *Burdeaux* or *Auxitan* during this his Expedition; notwithstanding any Constitutions or Indulgences of Popes to the contrary, by this Original Bull I discovered in the *White Tower*: wherein he highly extols his virtues, and readiness to extol and advance the honour of God, and the See Apostolick both in words and deeds. *An.* 37 & 38 Hen. 3.

INNOCENTIUS Episcopus servus servorum Dei, venerabilibus fratribus *Londonien.* & *Ciceſtren.* Episcopis, salutem & Apostolicam benedictionem. Regis æterni benignitas charissimum in Christo filium nostrum illustrem Regem *Angliæ* insignem reddidit tanta diversitate virtutum, quod personam ipsius favore et gratis prosequi delectamur, set præcipue hiis temporibus quibus ipse se ac sua proponit exponere in Terra sancta obsequiis Jesu Christi, sub illo jugiter vivens affectu quod magnifice gloriam Divini nominis augeat, et honorem Apostolicæ Sedis in verbis et operibus potenter extollat. Quia verò Regem tam nobilem quam præclarum, cujus progenitores inclitos gaudet Ecclesia semper habuisse devotos, decet dictæ Sedis auxilio sic protegi, sic foveri ut eidem super bonis nulla indigne irrogetur injuria vel jactura, set ipsa potius illibata maneant, et secura consistant. Fraternitati vestræ per Apostolica scripta mandamus, quatinus eundem super terris, juribus et bonis quæ in *Burdegalen.* et *Auxitan.* Provinciis obtinet, quousque ad propria de prædictis partibus feliciter, Deo propitio, revertatur, non permittatis ab aliquo molestari. Molestatores, sive invasores, seu turbatores ipsius super præfatis terris, juribus & bonis quacunque dignitate et honore præfulgeant, monitione præmissa per Excommunicationis in personas et in terras eorum interdicti Sententias per vos, vel per alios, appellatione postposita, compescendo. Non obstantibus constitutione de duabis dietis, edita in Concilio Generali; & si aliquibus est ab eadem Sede indultum, quod sine speciale mandato ipsius suspensionis, vel interdicti, aut excommunicationis in eos non possit ferri sententia, sive indulgentia cujuscunque tenoris existat, de qua in literis nostris plenam aut expressam oporteat fieri mentionem. Quod si non ambo hiis exequendis potueritis intersesse, alter vestrum ea nichilominus exequatur. Dat. *Perusii* Non. *Novembris.* Pontificatus nostri anno decimo. An 37 H. 3. in Turri London.

Infra scripta verba continentur in Bulla *Innocentii* Papæ quarti, de immunitatibus & privilegiis, avo Domini nostri Regis & aliis Crucesignatis concessis. Et similia verba in effectu continentur in Bulla *Johannis* 22. de immunitatibus & privilegiis *Franciæ* Regis qui nunc est, & aliis Crucesignatis nuper concessis, cum pluribus additionibus; & specialiter cum illa additione, *viz.* Quod idem Papa *Johannes* dedit dicto *Franciæ* Regi dignitatem seu officium Capitan. passag. transmarin. et Rectoriæ ipsius et totius exercitus populi Christiani qui in dicto passagio transiret: Et quod Excommunicavit extunc molestatores, invasores seu turbatores ipsius Regis *Franciæ* super terris, juribus et bonis ejusdem.

Quos verò suscipiendæ Crucis de cætero votum obligabit ad idem, & de (die) qua taliter Crucem assumpserint sub beati *Petri* et nostra protectione suscepimus, *&c.* sub Diocesanorum suorum defensione consistunt, si aliqui eos indebite molestare præsumpserint per Diocesanos locorum in quibus idem molestatores fuerint per censuram Ecclesiasticam appellatione postposita compescantur.

Tom. 2. p. 818. l. 51. after *Bull*, adde; In the Rolls of Pleas and Assises (in the *Tower*) *tenta coram* Rogero de Thurkesby *& sociis suis Justiciariis de Banco, Term. S.* Mich. *anno Regis* Henrici *filii Regis* Johannis 38. I finde near 20 Prohibitions and Attachments, and Suits upon them, for prosecuting and holding Plea in *Courts Christian* of Actions of Trespass, Goods and Chattels, not Testamentary or promised in Marriage, against the Kings Crown and dignity: I shall present you only with two of them at large. *An.* 38 H. 3.

Willielmus *de* Bello Campo & Johannes *de la* Hull *per attornatum ipsius* Johannis *optulit se 4 die versus* Petrum Hereford. *Episcopum, de placito quod esset ad hanc diem, & ibi haberet* Radulphum *Personam Ecclesiæ de* Linderrig. *ad respondendum de placito*, quare secutus est placitum in Curia Christianitatis, eo quod prædicti Willielmus & Johannes intraverunt domum ipsius Radulph. in Linderrig. pro pace Domini Regis servanda, *&c. Et Episcopus non venit, &c. Et præceptum fuit Vic.* quod attachiaret eum quod esset ad hunc diem, et haberet hic prædictum Radulphum. *Et Vicecomes mandavit, quod prædictus Episcopus est in* Wasconia *cum Domino Rege, & fuit antequam breve ei inde venit. Et ideo sicut prius præceptum est Vicecomiti,* Hereford. fol. penult.

An. 38 H. 3. *comiti, quod attachiet eum si inventus fuerit, &c. quod sit à die Sancti* Martini *in* 15 *dies. Et unde, &c. Et quia testatum est quod prædictus* Radulphus *habet terram in Comitatu* Wygorn. *per quam, &c. Ideo præceptum est Vic.* Wygorn. *quod attachiet eum quod sit ad prædictum terminum. Et unde Vic. &c.*

Rot. ult. Midd. Jordanus *Vicarius de* Stanes attachiatus fuit *ad respondendum* Willielmo *de la* Poylle *de placito*, quare secutus est placitum in Curia Christianitatis de catallis et debitis, quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem Domini Regis, *&c. Et unde idem* Willielmus *queritur quod prædictus* Jordanus *implacitavit ipsum de una marca argenti apud* Evesham, coram Præcentore de Evesham, auctoritate literarum Domini Papæ; et postea coram Vicario de Stanwell. Ita quod postquam ei detulisset Prohibitionem Regiam, ne prædictum placitum sequeretur, idem Jordanus spreta Prohibitione Regia, secutus fuit prædictum placitum versus eum, et fecit ipsum Excommunicari. *Et unde dicit*, quod deterioratus est et dampnum habet ad valenciam 40 marcarum, et inde producit sectam: (to recover his damages, and stay further proceedings.)

Et Jordanus *venit & defendit vim & injuriam quando, &c. Et benè defendit contra ipsum & sectam suam*, quod ipse nunquam implacitavit, nec aliquod placitum secutus fuit versus eum de prædicta marca, nec de aliquo alio. *Et hoc offert defendere contra ipsum & sectam suam, sicut Curia consideraverit. Et ideo consideratum est, quod vadiet ei legem se* 12 *manu. Et veniat cum lege sua à die Sancti* Martini *in quindecim dies. Plegii de lege* Jordanus de Montibus *de* Echiford, & Thomas Malebraunch.

Idem Wilielmus *optulit se* 4 *die versus Abbatem* Westm. *de placito*, quare secutus est placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra, *&c. Et Abbas non venit, &c. Et præceptum fuit Vic.* quod attachiet eum quod esset ad hunc diem. *Et Vicecomes mandavit*, quod idem Abbas non permittit se attachiari. *Et ideo sicut alias præceptum est Vic.* quod non omittat prædictam libertatem quin attachiet eum, *quod sit à die Sancti* Martini *in* 15 *dies.* Et Vic. sit auditurus Judicium suum.

In the same *Plea-Rolls* of the Justices Itinerant, I finde sundry more Actions and Attachments brought for prosecuting and holding Suits in *Courts Christian* against the Kings Prohibitions, De catallis quæ non sunt de Testamento vel Matrimonio; as *Rot.* 5. *dors.* Linc. Raimundus *fil.* Ricardi *versus* Robertum *Personam Ecclesiæ de* Woddington. *Rot.* 18. *dors. versus* Egidium de Wocumb *Archid.* Berks. *Rot.* 20. Gervasius Turprest *vers.* Hugonem *cum* Barba. *Rot.* 20. *dors.* Hertford. *Attachiamentum per* Johan. Gilbert *vers.* Johan. de Cadamo, & Joseph. *Vicarium de* Cestrehunt: *qui post Prohibitionem suspendit ipsum ab ingressu Ecclesiæ, &c. unde* deterioratus est, et dampnum habet ad valenciam centum solidorum. Bed. *Rot.* 22. Nicholaus de Kesseleynturer *vers. Priorem de* Waledon. *Rot.* 21. Willielmus de Parco *vers. Mag.* Walter. de Vienna *Offic. Episc.* Wygorn. *& Mag.* Thom. de Abington *Offic. Archidiac.* Glouc. W. Newell *vers.* Ricardum de Pratis, Alicia de Bradeweyes, *&c.* with seven more Suits of the same kinde, brought against several other Archdeacons, Officials, persons, for holding and prosecuting Suits in Court Christian for Debts and Chattels, to their damage and vexation, against the Kings Prohibitions, Crown and dignity.

Moreover in the same Rolls, I finde these following Attachments, Suits, for holding and prosecuting Pleas in Court Christian, De laico feodo, et de advocationibus Ecclesiarum; as *Rot.* 13. *dors.* Radulphus de Northmaneby *vers.* Nicholaum de Wundingham, & Guilbertum *Capellanum Ecclesiæ de* Cornusham, Linc. *Rot.* 14. Devon. Gilbertus de Umframvill *vers. Magistrum* Walterum de Pembrok *Archidiac.* Berdestaple, & Gilbertum *Officialem ejusdem Archidiac. Rot.* 16. Suthamt. Nicholaus de Cornhampton *vers.* Petr. Russencob *Archidiac.* Wynton. *& Magist.* Radulphum de Merwicks, quare tenuerunt placitum in Curia Christianitatis, *& versus* Willielmum *Canonicum de* Tynhfrid, quare secutus est idem placitum. *Ibid.* Robertus Handesacre *versus Episcopum* Wygorn. & Michael. *Personam Ecclesiæ de* Cropthorp; for the like causes.

Besides, I found in a Bundle of decayed Writs of this year in the *White Tower*, nine Writs of Attachment against several Ecclesiastical persons and others for holding and prosecuting Suits in Court Christian, De catallis et debitis quæ non sunt

sunt de Testamento vel Patrimonio, contra Prohibitionem nostram: And another Writ against *Thomas* Prior of *Midhurst*, and *Peter* a Dean; quare tenuerunt placitum in Curia Christianitatis de advocatione Ecclesiæ, &c. contra Prohibitionem nostram. T. &c. apud *Westm.* 13 die *Octobru*, anno regni nostri 38. *An.* 38 H. 3.

In the * Plea-Rolls of *Trinity* Term (the same year,) I met with these Suits and Attachments of like nature.

* Flac. de termino S. Trin. coram Justic. Dom. Regis de Banco. An. 38 H. 3.

Nicholaus Scot *optulit se*, &c. *versus* Robert. Scot, quare secutus est placitum, &c. de catallis, &c. quæ non sunt, &c. Ibid. rot. 19. dors. Berks.

Magist. Bernardus le Coromalleynes *vers. Abbatem de* Evesham, quare tenuit placitum, &c. quæ non sunt, &c. Et fuit attach. Ibid rot. 13. dors. Wygorn.

Rogerus de Wardington *opt.* &c. *versus Abbatem de* Thornton, quare secutus est plac. &c. de catall. &c. quæ non sunt, &c. Ibid rot 5. dors. Linc.

Simon le Moign *opt. se*, &c. *versus Magist.* Hugonem *de S.* Edmundo *de plac.* quare tenuit placitum in Curia Christianitatis, de catallis et debitis quæ non sunt de Testamento vel Patrimonio, contra Prohibitionem, &c. *Et Magistr.* Hugo *non venit*, &c. Middl rot 24. intus.

Johannes de Pelingford *opt. se*, &c. *vers.* Luc. de Deveneys & Willielmum *Personam de* Wysse *de plac.* quare tenuerunt plac. in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Patrimonio, contra Prohibitionem, &c. *Et vers.* Galfridum Burgoil, quare secutus est idem placitum, &c. *Et ipsi non venerunt*, &c. Ibid. rot. 30. dorso.

Galfr. de Sancto Laco *opt. se*, &c. *versus* Willielmum del Parrot *Vinetarium*, quare secutus est placitum in Curia Christianitatis, de catall. &c. contra, &c. *Et versus* Will. *Decanum* Northampton, quare tenuit idem plac. contra canonem Prohibitionem, &c. *Et ipsi non veniunt*, &c. Ibid. rot. 28. dors. Northt.

Agnes *uxor* Johan. de Godemarches *opt. se*, &c. *versus* Ad. le Parchenur & Alic. *ux. ejus*, quare secuti sunt plac. de, &c. quæ non sunt, &c. contra Prohibit. &c. *Eadem* Agnes *opt. se vers. Magist.* Willielmum de Obrey *Official. Archiep.* Cant. quare tenuit idem placitum. *Et Offic. non venit. Et alias mandat. Archiepiscopo, quod fac. eum venire*, &c. Ibid. rot. 27. dors. Karc.

Jordanus de Kingestown *vers.* A. Wynton. *Elect. quod habeat* Galfrid. *Personam Ecclesiæ de* Stamewel, *ad respond. eidem* Jordano, quare secutus est placitum in Curia Christianitatis, de advocatione Capellæ de Kingestown, contra Prohibitionem, &c. *Et Electus non venit.* Et fuit attach. *Et pon. per meliores pleg.* Ibid. rot. 4. dors. Sutht.

From these and sundry other Prohibitions, and Attachments, Suits upon them this year, in one or two Terms space in the Common Pleas, with above one hundred more during King *Henry* the third his reign, extant in the Plea and Clause Rolls, and in *Henry de Bracton* (a learned Lawyer and Justice under this King) *De Legibus & Consuetudinibus Angliæ*, l. 5. c. 2, to 17. we may evidently discern, not only the studious endeavours of Ecclesiastical Courts, Judges to enlarge their Jurisdictions, and usurp, engross to themselves the conusance of all Temporal causes, against the Kings Crown, Dignity, frequent Prohibitions and Attachments successively issued by his Judges to restrain these injurious Usurpations; but likewise conclude, that Bishops, Ordinaries, and Courts Christian, had then no legal Jurisdiction at all to meddle with, dispose of, or distribute the Chattels or Debts of any Lay-persons dying intestate; they being not *Catalla & Debita de Testamento*, but Intestatorum, or *de Intestato decedentibus*, as * their own Canons stile them; which are as opposite, as contradictory to each other, as the Goods, Debts of persons unmarried, are to *Catalla & Debita de Matrimonio*; as is evident by *Glanvil*, l. 7. c. 5, 6, 7, 8, 16. l. 12. c. 20. and *Bracton*, l. 2. c. 26. And that their disposition or distribution of them, as well as holding such Pleas, was then declared to be an illegal Usurpation, as the [a] *Probibition* in the Clause-Roll of 39 *H.* 3. *m.* 17. *dorso*, (Quod usurpastis vobis placita de laicis feodis, et de catallis et debitis quæ non sunt de Testamento vel Patrimonio) with others, evidence. This Usurpation of Ordinaries over Intestates Goods, King *Henry* 3d. his Nobles and Judges opposed, prohibited during his reign, as the *forecited Prohibitions*, yea the very *Articles*, *Constitutions* of Archbishop *Boniface* and his Suffragans, evidence. Which our Kings, Judges, Nobles likewise opposed in succeeding ages, as [b] *John Stratford* and his Suffragans in their

* John de Aton Constit Legit. f. 94, 95, 136, 137, 141. Lindewode l. 3. De Testamentis.

a See Tom. 2. p. 830.

b Joh. de Aton Constit. Provincial. f. 137. Lindewode Provinc l. 3. f. 130. Spelman. Concil. Tom. 2. p. 589.

An. 38 H 3. Constitutions *Anno* 1342. *De Impedientibus Ecclesiasticam Jurisdictionem*, thus complain of and acknowledge. Quidam etiam Domini temporales et eorum Vallivi bona decedentium ab intestato in suis districtionibus ad ipsos * Dominos pertinentes sore, quamvis erronee devoluta, ne per Ordinarios bona hujusmodi pro debitorum solutione sic decedentium, ac in alios pios usus pro ipsorum animarum salute convertantur utiliter, (prout consensu Regio et Magnatum regni *Angliæ*, tanquam pro jure Ecclesiasticaque libertate, ab olim extitit ordinatum) impediunt, in derogationem Ecclesiasticæ libertatis, jurisque et jurisdictionis Ecclesiasticorum impedimentum et læsionem enormem. Whereupon they then denounced a *Major Excommunication* against all opposers or hinderers of their disposal or distribution of Intestates Goods. To justifie which their Innovation and usurped Jurisdiction, they pretended they had it antiently granted them by an * *Ordinance of Parliament* assented to by the King and Nobles of the Realm, (prout consensu Regio et Magnatum regni *Angliæ*, tanquam pro jure Ecclesiasticaque libertate, ab olim extitit ordinatum:) Which *Ordinance* must needs be either a wilfull forgery, (there being no such Ordinance extant in History or Record, as *Lindewode* ingenuously confesseth in his Glos thereon,) or else a gros mistake, or perverting of the † *premised Clauses* in King *Henry* the 1. King *John*'s, or King *Stephen*'s *Charters of Liberties*; neither of which gave them any legal Jurisdiction at all over Lay-mens *Chattels* or *Goods* dying intestate, as I have proved, and the premised and subsequent Suits, Attachments on, and forms of Prohibitions clearly evidence: Wherein I am much confirmed by this passage in *Ranulphus de Glanvilla*, (most expert in the antient Laws and Customs of this Realm) Chief Justice of *England* under King *Henry* the 2d. in his *Tractatus de Legibus & Consuetudinibus* Angliæ, *tempore Regis* Henrici *secundi compositus*, printed *Cum Privilegio*, London. 1604. *lib. 7. cap. 16.* who resolves, that this was then and in former ages the Law and Custom of the Realm concerning Intestates Goods; Cum quis Intestatus decesserit, omnia catalla sua sui Domini esse intelliguntur; si vero plures habuerit Dominos, quilibet eorum catalla sua recuperabit, quæ in feodo suo reperiet. * Usurarii vero omnes res, sive Testatus, sive Intestatus decesserunt, Domini Regis sunt. This then being the antient Law, Custom of the Realm, Prerogative of the King, and Right of every Lord of Manors, it is very improbable that the King and Lords would devest themselves of this their Jurisdiction over, and Right in Intestates Goods, to vest them in the Bishops and Ordinaries disposal, by any such Parliamentary Ordinance, as Archbishop *Stratford* and his Suffragans pretend in their premised *Constitution*, and *Otho-bon* before them, there being none such extant; who could not pretend the least Jurisdiction or Right thereto by any Law of God, nor of the Realm, except that clause they thrust into King *John*'s Charter, which really gave them no such Jurisdiction, and was omitted in King *Henry* the 3d. * his *Grand Charter of Liberties*, ch. 18. As for the Charter of King *Stephen* to the Bishops and Clergy, (extending only to their own Goods and Chattels in right of their Churches, not to Lay-mens) made at the Bishops own solicitations, (who advanced him to the Crown against their Oaths) he being a meer Usurper, his Charter was of no greater validity to binde his successors in point of Prerogative, then his other Charters were in case of the Crown-Lands granted by him to his Prelates, Nobles and Adherents; which were soon after resumed by King *Henry* the 2d. (notwithstanding King *Stephen*'s Charters) upon this ground; * Quia Chartæ invasoris præjudicium legitimo Principi minime facere deberent. Whereupon our Bishops in succeeding ages, procured special † Patents and Licenses from our Kings to make their Wills, and dispose of their Goods by them, without insisting on King *Stephen*'s Charter, authorizing them freely to make their Wills and devise their Church-goods without such Licenses. If therefore they could not devise their own Goods and Chattels by their Wills without our Kings special License, much less could they dispose or distribute the Goods, Chattels of all Lay Intestate persons, without the special consent of the King and Lay-Lords by Act of Parliament, which they cannot produce. As for their Plea of Prescription, that they have used to dispose of and distribute the Goods of Intestate persons to pious uses time out of mind; they may likewise argue, they have used to hold Plea of Lay-fees, Advowsons, Debts, Chattels, and other things not belonging to them, time out of memory, notwithstanding all Prohibitions, Complaints, Attachments against them for it; but being done by usurpation only, not

* By the antient Law and Custome of England, as Glanvil l. 7. c. 16. resolves: See Lindewode de Testamentis, f. 126, 127.

* Joh. de Aton fol. 95. d. e. Lindewode f. 190. l. m.

† See here, p. 18, to 22.

* See Hoveden Annal. pars posterior, p. 608, 744. & Here, p. 53, 54.

* See here, p. 18, to 22.

* Chron. Johannis Bromton, col. 1046. See here, Tom. 1. p 576, 577.

† See here p 2. and Tom. 2. p. 893.

not of right, yea apparently againſt the Kings Prerogative, Laws and Cuſtoms of the Realm, they ſhall not take advantage of their own wrongs to deprive the King, his Courts, Subjects of their juſt Rights, Liberties; and *Nullum tempus occurrit Regi*, will be a ſufficient anſwer to this and all other their gradual Uſurpations on the Crown or Subjects Rights. Which I humbly ſubmit to the grave conſideration of the learned Judges and Profeſſors of the *Common Law*, for whoſe information, benefit, and the juſt defence of the Kings Crown, Dignity, Prerogative, againſt the Uſurpations of Popes, Biſhops, Legates, Nuncioes, Ordinaries, Eccleſiaſtical Courts, Judges in former and late times, I have inſerted into this Chapter moſt of the Suits and Attachments upon Prohibitions extant in the Plea-Rolls or Writs, of King *Henry* the 3d. (in the *Tower* of *London*) omitted in my *Second Tome*; which will ſatisfie the World, and all uſurping Canoniſts, that ſuch Suits, Prohibitions, and Attachments on them, are no *Innovations*, nor *Invaſions* of the antient Rights, Liberties of the Church, as they and their predeceſſors falſly pretend, and moſt confidently publiſh in their * Conſtitutions, Gloſſes, Diſcourſes, which they cry up for the Eccleſiaſtical Laws of our Church and Realm, though never ſo reputed by our Kings, Parliaments, or learned Judges, as I ſhall further evidence (if God permit) by examining moſt of them, in their due *Chronological ſeries*.

An. 38 H. 3.

* Lindewoda l. 3. De Immunitate Eccleſiæ, & de Teſtamentis. Johan. de Aton, f. 95, 138, 141.

Tom. 2. p. 820. l. 1. before *The King*, adde; In the Plea-Rolls in the *Tower*, *Anno* 38. H. 3. I met with this memorable Record in vindication of the Kings Eccleſiaſtical Prerogative againſt the Pope himſelf and his Delegates, in a caſe concerning the Priviledges of his Free-Chappel of St. *Mary* of *Salop*, and others.

Henricus *Abbas* Salopiæ attachiatus fuit *ad reſpondendum* Domino Regi *de placito*, quare in Domini Regis et liberæ Capellæ ſuæ beatæ Mariæ Salopiæ præjudicium non modicum, quæ exempta eſt, ita quod * Dominus Papa, nec aliquis alius Judex Eccleſiaſticus Juriſdictionem aliquam in ea habeat, exercuit Juriſdictionem in Capella de Fyteſho, quæ pertinet ad Capellam Domini Regis prædictam, *ſpoliando de eadem Capella de* Fyteſho *Clericos dictæ Capellæ* Salopiæ, *qui eam ex collacione Decani & Canonicorum ejuſdem Capellæ optinuerunt. Et unde* Laurencius de Brok *qui ſequitur pro Rege queritur, quod prædictus Abbas miſit ad Eccleſiam de* Fyteſho, *quæ eſt de Capella Regia prædicta, & de advocatione Domini Regis*, in qua quidam Clericus Domini Regis fuit inſtitutus per Ballivos Domini Regis ſicut pertinet ad libertatem Domini Regis, miſit ibidem homines ſuos ad deſtituendum prædictum Clericum, et inſtituendum alium Clericum, qui dicebat ſe eſſe admiſſum per Epiſcopum, qui nullam Juriſdictionem in ea habuit, et quandam ciſtam contra privilegia Domini Regis, quæ depoſita fuit in prædicta Eccleſia cum Jocalibus, et aliis bonis fregerunt, *& bona in eadem inventa ceperunt & aſportaverunt, & triturare fecerunt blada prædicti Clerici Domini Regis, & aſportari*, in dedecus Domini Regis, et magnum præjudicium libertatis Capellæ Domini Regis prædictæ, unde dampnum habet ad valenciam 100 Marcarum.

Plac. 38 H. 3. rot. 7.

* *Nota.*

Et Abbas venit & defendit vim, &c. *Et dicit*, quod quicquid ipſe fecit in prædicto negocio, fecit per mandatum Magiſtri Hugonis de Sancto Edmundo, cui commiſſum eſt Juriſdictio in negocio Cruceſignatorum, et per Literas ſuas patentes; *quæ teſtantur*, quod mandavit dicto Abbati quod ſuper injuriis et violenciis manifeſtis Roberto de Acton Clerico Cruceſignato, Perſonæ Capellæ de Fyteſho a Richardo de Honton Canonico Eccleſiæ beatæ Mariæ Salopiæ, et quibuſdam aliis tam Clericis quam Laicis, celerem juſticiam de die in diem procedendo ſine omni ſtrepitu Judiciali, eidem exhibere curaret. Et ſi dictum Richardum et alios dictas violencias et injurias dicto Cruceſignato intuliſſe invenerit, eoſdem ad ſatisfactionem condignam per cenſuram Eccleſiaſticam compelleret, contradictores et rebelles per cenſuram eandem appellatione remota compeſcendo. *Ita ſe gerentem*, &c. *Profert eciam formam qualiter debebat procedere ſub ſigillo prædicti* Hugonis, *quæ teſtatur*, Si Cruceſignatus aliquis dicat Conſervatori ſeu Executori Crucis; Talis tenetur michi vel tali in tanta ſumma pecuniæ ex Teſtamento vel aliunde, veluti ex mutuo vel hujuſmodi, ſive per fidei dationem, ſive per Cartam, vel aliam rationem; quia non procedetur per indaginem judicialem, ſet inquiſicionem, nequaquam citet, ſet denunciet Executor ſive Conſervator per aliquem Bedellum, ſive per duos nuncios juratos, illi qui dicitur teneri in aliqua ſumma pecuniæ Cruceſignato nomine ipſius Cruceſignati, ſive nomine executorio, ſive eciam idem Executor Teſtamenti velit in Terræ Sanctæ ſubſidium

aliquam

An. 38 H. 3. aliquam porcionem pecuniæ assignare pro mortuo eciam Cruce signato. Et si ille cui denunciatum est venerit vel comparuit coram Executore Crucis, Quærat statim Executor, Teneris ne tali Crucesignato in tanta? &c. *vel sic*, Feciſtine talem injuriam tali? &c. *Si confiteatur se teneri vel feciſſe*, Executor compellat eum ad satisfaciendum de die in diem sine strepitu Judiciali nullo obstante privilegio: *si negetur*, Juret incontinenti de veritate dicenda, &c. *Unde dicit*, quod per prædictam commissionem et prædictam formam ipse restituit quendam Robertum de Acton audita probatione sua, quod ipse spoliatus fuit de Ecclesia de *Fytesho*, in cujus possessione extitit per unum Annum & amplius per Episcopum *Lychefeldensem*. Et quia prædictus Abbas non dedicit, quin Ecclesia de *Fytesho* sit de advocatione Domini Regis, et de Capellaria ejus; *Et eciam dicit*, quod ipse destituit Clericum per Decanum & Capitulum admissum, & restituit prædictum *Robertum*, et hoc est contra libertatem Domini Regis, quod ipse aliquam Jurisdictionem deberet exercere, nec sua Jurisdictio in tantum se extendit ut possit destituere et instituere aliquem, maxime de eis quæ pertinent ad Capellariam Domini Regis, consideratum est, quod Dominus recuperet dampna, et Abbas in custodia, &c.

From which memorable Record I shall observe: First, That neither the Pope himself, nor his Delegates, no more than the Bishop, could exercise any Jurisdiction in or over the Kings Free-Chappels, or the Churches belonging to them. 2ly. That the large Priviledges granted by Popes to those who Crossed themselves for the *Holy Land*, and speedy righting of their Injuries in a summary way, extended not to the Kings Free-Chappels, or Chaplains in them. 3ly. That the King by Judgement of his Court and Judges recovered Damages against this Abbot, and likewise committed him to Prison, for violating the Priviledges of his Crown and Free-Chappel, notwithstanding this his Plea and Justification, by the Pope and his Delegates authorty.

Rot. 19. dorso. In the same Plea-Rolls upon an Attachment for suing in *Courts Christian* for two Chappels, the Prosecutor renounced his Suit there to avoid the like Fine and Imprisonment for this offence to the King.

Richardus de Chastyllun *Procurator* Willielmi de Chastyllun *venit & dicit*, quod non vult sequi versus Magistrum Galfridum de Tetheſe in Curia Christianitatis super Capella de Chelesham, et Belesham. Et de hoc invenit plegium Priorem de Wenelok qui manucepit pro eo, &c.

As the King and his Judges this year were carefull to prohibit all encroachments of Bishops and Ecclesiastical Courts upon the Rights and Prerogative of his *Crown*, so were they likewise to prevent it in *Corporations* and other *Temporal Courts*, as this memorable Record attests, relating to the City of *Bathe*, (for which I serve in Parliament,) who were not guilty of those disloyal usurpations, or illegal exactions then suggested against them, as their Plea and Issue manifests.

Plac. 38 H. 3. rot. 24. * *Nota.* *Præceptum fuit Vicecomiti*, quod venire faceret coram Consilio Domini Regis 12. et ditioribus et discretioribus Civibus Bathoniæ, ad respondendum Domino Regi pro se et tota Communitate Civitatis Bathoniæ, de placito, quare * sine assensu Domini Regis, eligerunt sibi Majorem et 12. Juratores, qui placita quæ placitari solent in Hundredo Domini Regis, tenent et determinant coram eis, ad exhæredacionem Domini Regis, &c. *Et unde queritur*, quod elegerunt sibi Henricum le Taillur, qui gerit officium Majoritatis, et capit consuetudines de Summariis et Pannicis Civitate Bathoniæ.

† To wit, by their own authority, or for the purposes suggested, they having then a Maior for other purposes, by Charter. *Et Cives* Bathoniæ *veniunt & defendunt, & dicunt*, quod nunquam elegerunt sibi Majorem, nec † Majorem habere clamant, nec Juratores elegerunt ad aliqua placita terminanda, nec unquam aliquas emendas ceperunt ratione Majoritatis de aliquibus transgressionibus in Civitate Domini Regis. *Et de hoc ponunt se super Patriam. Ideo præceptum est Vicecomiti, quod venire faciat, &c. nisi* H. de Bracton *prius ad partes illas venerit* 12. *de visneto, &c. qui nec, &c. & qui non sunt de homagio Prioris* Bathoniæ *ad recognoscendum, &c. à die Sancti* Michaelis *in quindecim dies, &c. Et Cives ponunt loco suo* Johannem le Simiter, & Johannem de Claverton, &c.

The Kings Proctor in the Court of *Rome* being this year authorized by the King to take up 300 Marks for dispatch of the Kings businesses there by his Commission, and taking it up from the Popes Usurers, Merchants there, entred into this ensuing Obligation to them for payment thereof, under severe forfeitures and penalties, which the King must incurr in case of non-payment thereof.

IN nomine Domini Jesu Christi, Amen. Anno Nativitatis ejusdem 1254. Indictione duodecima, mensis *Maii* die 16. Pontificatus Domini *Innocentii* Papæ IIII. anno undecimo: in præsentia mei *Noclerii Scrunarii* & testium subscriptorum ad hoc specialiter vocatorum & rogatorum, Dominus *Guido de Rosilione* Archidiaconus *Lugdunen.* Nuncius & Procurator illustris viri Domini *H.* Dei gratia Regis *Angliæ*, Domini *Hiberniæ*, Ducis *Normanniæ & Aquitaniæ*, & Comitis *Andigaviæ* apud sedem Apostolicam constitutus, habens a dicto Domino Rege mandatum de mutuo contrahendo usque ad summam trecentarum Marcarum sterlingorum novorum, prout in literis Domini Regis exinde confectis plenius continetur, confessus est, et recognovit se pro negotiis dicti Domini Regis, ac necessariis utilitatibus apud eandem sedem Apostolicam promovendis et expediendis mutuo recepisse et habuisse a *Bonifacio Bonisignoris* et *Bonaventura Bernardini*, mutuantibus & solventibus, tàm pro se quàm pro *Bernardino Prosperini*, *Aldebrando Ildebrandi* Civibus & Mercatoribus *Senen.* trecentas Marcas bonorum, novorum et legalium sterlingorum, et tredecim solidis, et quatuor sterlinges pro marca qualibet computatis, de quibus dictus Procurator procuratorio nomine se benè ——— & pacatum vocavit, exceptioni non memorato, & non soluto omni pecuniæ omnino renunciando. Quas prætaxatas trecentas Marcas sterlingorum ipsis vel uni eorum, aut ipsorum Nuncio præsens publicum instrumentum deferenti & restituenti in Festo beati *Michaelis* proximo futuro *Londen.* apud Scaccarium Regis, per legitimam stipulationem promisit, dictus Procurator procuratorio nomine jam dictum Dominum Regem plenè soluturum & integrè redditurum, & quod si in dictis loco & termino prædicta pecunia ipsis Mercatoribus, ut dictum est, non fuerit integrè persoluta, extunc in antea stipulatione prædicta promisit eis dictus Procurator procuratorio nomine, pro damnorum et interesse recompensationem persolvere per singulos duos menses, pro singulis decem Marcis prædictis, unam Marcam ipsorum sterlingorum, et expensas unius Mercatoris cum uno equo et uno serviente, ubicunque fuerit, usque ad plenam totius dictæ pecuniæ solutionem; quam prædictam recompensationem damnorum et interesse, ante dictis Mercatoribus promisit in sortem dicti debiti nominatus Procurator procuratorio nomine nullatenus computare; ac non detinere memoratum debitum contra ipsorum meritorum voluntatem sub prætextu recompensationis prædictæ ultra terminum prælibatum: pro quibus omnibus & singulis supradictis firmiter observandis & plenariè adimplendis, memoratus Procurator procuratorio nomine jam dictum Dominum Regem & successores suos prædictis Mercatoribus principales constituit debitores & pacatores, ipsum Dominum Regem cum omnibus bonis suis mobilibus et immobilibus, præsentibus et futuris, eisdem Mercatoribus propter hoc specialiter obligando. Renunciavit in præscriptis omnibus dictus Procurator procuratorio nomine, dicti Domini Regis & successorum suorum omni Juris & Legum auxilio Canonici & Civilis, consuetudini, et statuto privilegio fori, beneficio restitutionis in integrum, et exceptioni etiam quod prædicta pecunia non sit conversa in utilitatem dicti Domini Regis et terræ suæ, constitutioni de duabus dietis Concilii generalis, omnibus Apostolicis literis, indulgentiis, et aliis quibuscunque, a sede Apostolica impetratis, ac etiam impetrandis, & omni exceptioni, actioni, defensioni & rei quæ objici possit contra hoc instrumentum vel factum. Ad majorem autem dictorum Mercatorum cautelam, præfatus Procurator bona fide promisit, quod dictum Dominum Regem studiosè & fideliter, laboraret ut ——— omnia & singula supradicta antedictis Mercatoribus observentur. In hujus itaque rei testimonium & evidentiam pleniorem, præsens Instrumentum dictus Dominus Archidiaconus suo sigillo roboravit. Datum *Assisii* coram hiis testibus; scilicet, *G.* Magistro *Hugone de Communiaco*, teste *Pontio de Saliste* Clerico, test. *Willielmo de Rossilione*, test. *G. Thomasso de Venant.* famil. dicti Archidiaconi, *&c.* Ego ——— Authoritate Imperiali *Notarius publicus* prædictis omnibus interfui, & hoc Instrumentum scripsi & complevi rogatus.

An. 38 & 39 Hen. 3.

An. 38 H. 3. in Turri London.

Tom. 2. p. 806. l. 1. before *The King*, insert; In a Bundle of original Writs of this year and their Returns, (*An.* 39 H. 3.) I found in the *White Tower*, there are no less then 21. Attachments and Processes issued to the Sheriff of *Lincoln* only, against several Ecclesiastical persons and others; quare temerunt, et quare secuti sunt placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem nostram: I shall render you only a breviate

An. 39 H. 3.

Brevia Regis An. 39 H. 3. in Turri London.

An. 39 H. 3. breviate of the Plaintiffs and Defendants names; Richardus de Swaldebore & Christiana *uxor ejus*, *vers.* Roger. de Imyngham & Radulphum *Personam Ecclesiæ de* Starteford. Richardus de Hewel *vers.* Radulphum *fil.* Laurentii. Radulphus de Martinesthorpe *vers.* Willielmum *Personam Ecclesiæ de S.* Wosold. Willielmus de Cutroft *vers.* Johannem *Personam Ecclesiæ de* Anderby *Decanum de* Kandestro. Willielmus de Crokton *vers.* Walterum *Personam Ecclesiæ de* Dunstore. Richardus de Swaldeclive & Christiana *uxor ejus*, *vers.* Simonem le Monte, & Laur. de la Champane. Aluredus de Amanototer *vers.* Simonem *Decanum Christianitatis* Lincoln. (who held a Suit) *pro* trecent. Marcis pro damnis suis, & 3. Marcis *pro* Willielmo le Papeter, pro damnis suis; levied of his Ecclesiastical goods by the Bishop of *Lincoln*, for holding such a Plea in *Court Christian* against them. Edith. Page *vers.* Reginald. *fil.* Marger. *de* Lincoln. Robertus de Norton *vers. Magistr.* Robertum Condeney. Willielmus de Askeby *vers.* Johannem *Decanum Christianitatis* Lincoln. Robertus de Norton *vers. Magistr.* Rogerum de Askeby. Nicholaus de Heurell *vers.* Radulphum *fil.* Laurentii (an *aliàs.*) Willielmus de Sancto Philiberto *vers. Magistrum* Willielmum Archer. Richardus de *(torn) vers.* Willielmum *Archidiaconum* Linc. & *Magistr.* Robertum *Offic. ejus.* Johannes de Rocheford *vers. Magistr.* Willielmum de Lucy. Radulphus de Maire *vers.* Richardum de Blend, *Magistr.* Alexand. de Deping, & Radulph. *Decanum de* Stamford; quare secuti sunt placitum in Curia Christianitatis, et Decanus tenuit idem placitum in eadem Curia contra Prohibitionem nostram, et in deceptionem Curiæ nostræ fecerunt prædictum eadem excommunicari, capi et imprisonari, et in prisona nostra Linc. detineri, quousque deliberatum fuit per præceptum nostrum. After which there was a Jury impannelled between them, concerning the prosecuting and holding this Plea, and excommunicating, imprisoning the Plaintiff after the Prohibition, upon which issue was joyned, and found for the Plaintiff; as the Panel and Inquisition joyned to the Writ attest. There are two other Writs of this sort, but the names are torn and decayed. Besides these I finde two Writs of Attachment issued to the Sheriff of *Lincoln. Pone per vadios & salvos plegios* H. *Episcopum* Linc. *quod sit coram Justic. nostris apud* Westm. *&c. Et ibi habeat* Johannem de Wadingham & Gilbertum *Capellarium de* Copinham, *ad respondendam* Radulpho de Normannerby *de placito*, quare secuti sunt placitum in Curia Christianitatis de laico feodo ipsius Radulphi in Copinham, contra Prohibitionem nostram, &c. *Teste* W. de Thurkelby *apud* Westm. 8 *die* Maii, *anno regni nostri* 39. And an *alias*, 18. Octobris. *Teste ut supra:* between the same parties: And one Writ of Attachment more to the Sheriff of *Lincoln*, brought by Gerardus de Fernivel, *versus Abbatem de* Bardeneye, quare secutus est placitum in Curia Christianitatis de advocatione Ecclesiæ de Beringsham, contra Prohibitionem nostram. *Teste meipso apud* Linc. 3. *die* Maii, *anno regni nostri* 39. These 24. Writs issued this year to this one Sheriff of *Lincoln*, against those illegal usurpations of the Bishop, Dean, Archdeacon, and Officials upon this Kings Crown, Prerogative, his Subjects liberties and properties; which is very remarkable, *Henry Lexinton* was then Bishop.

In the decayed Plea-Rolls of *Term* Mich. *An.* 39 H. 3. as I conjecture (in the *Tower*,) I met with these Suits for holding and prosecuting Suites in Ecclesiastical Courts for Free-holds and Lay-Chattells, against Prohibitions and Attachments.

Plac. 39 H. 3. rot. 10.

Magister Eustachius de Cestreton attachiatus fuit *ad respondendum* Hugoni de Loges, quare contra Prohibitionem, &c. traxit eum in placitum in Curia Christianitatis de laico feodo ipsius Hugonis in Cestreton, &c. *Unde idem* Hugo *queritur*, quod ipse exigit ab eo in Curia Christianitatis de certa pecunia pro decimis molendini, et certum pratum, *scilicet*, tres acras prati, & *praterea de* * *Wareto*, et de terris incultis, si illas locaverit, ipse petit decimum denarium, & *inde producit sectam*, &c.

* *Wareto.* See Sir Henry Spelman's Glossarium, pag. 565.

Et Magister Eustachius *venit & defendit contra eum & contra sectam suam, quod nunquam traxit eum in placitum de aliqua certa re*, nisi tantum de decimis fœni et molendini, sicut decimæ inde dari debent; nec aliquam acram prati petit, nec denarium de molendinis, nec aliquid de wareto vel terra, nisi tantum garbas, et ideo præceptum est eidem Eustachio; quod de nullo placito de cætero sequatur in Curia Christianitatis, nec de aliquo laico feodo, nec de aliquo quod sit contra Coronam Domini Regis.

Johan-

Johannes Bec. *optulit ſe* 4 *die verſus Magiſtrum* Robertum de Herfes *Archidiacono* Lincolniæ *de placito, quare contra*, &c. tenuit placitum in Curia Chriſtianitatis de laico feodo ipſius Johannis in Boby, &c. *Et Magiſter* Robertus *non venit*, &c. *Et Vicecomes mandavit quod non habet laicum feodum.* Et ideo mandatum eſt Domino Epiſc. Lincolniæ quod diſtringat eum, quod ſit in Octabis Sancti Martini. *An.* 39 & 40 Hen. 3.

Radulfus de Windeburg *optulit ſe* 4. *die verſus Magiſtrum* Rogerum de Burton *de placito*, quare ſecutus eſt placitum in Curia Chriſtianitatis de laico feodo ipſius Radulphi in Windeburg, contra Prohibitionem, &c. *Et Magiſter* Radulphus *non venit*, &c. *nec habet laicum feodum.* Et ideo mandatum eſt Domino Archiepiſc. Eborum quod diſtringat eum quod ſit a die Sancti Martini in 15. dies, &c. *Et idem* Radulphus non ſequitur verſus Judices.

Tom. 2. p. 860. l. 24. after *Februarii*, adde; In the decayed Plea-Rolls (in the *Tower*) of *Hill.* Term, *Anno* 40 H. 3. I finde theſe Prohibitions, Attachments, and Proceedings againſt Proſecutors and holders of Suits in Spiritual Courts for Chattels and Free-holds not belonging to them. *An.* 40 H. 3.

Nicholaus de Wotteſden attachiatus fuit *ad reſpondendum* Richardo *filio* Godefridi de Wicumb *de placito*, quare in Curia Chriſtianitatis tenuit placitum de catallis et debitis quæ non ſunt de Teſtamento vel Patrimonio, contra Prohibitionem, &c. *Et unde queritur, quod cum* Agnes Bradford & Rogerus *filius ejus implacitaverunt ipſum coram prædicto* Nicholao, *petendo ab eo* 30. *s.* quæ non fuerunt de Teſtamento vel Patrimonio, et ipſe detuliſſet ei breve Domini Regis in Capella de Wuburn *in craſtino Sanctæ* Elenæ *anno regni Domini Regis, nunc anno* 40. ne placitum illud inter eos teneret, *prædictus* Nicholaus ſpreta Prohibitione *tenuit prædictum placitum coram eo*, et ipſum fecit excommunicari; *Unde dicit*, quod deterioratus eſt, et dampnum habet ad valenciam Centum ſolidorum. *Et inde producit ſectam*, &c. Pat. 40 H. 3. Rot. 6. Bucks.

Et Nicholaus *venit, & defendit vim & injuriam quando*, &c. *Et bene defendit contra ipſum & ſectam ſuam*, quod nunquam tenuit placitum de aliquibus catallis in prædicta Curia poſtquam ipſe prædictum breve Domini Regis detulit. *Et hoc offert defendere verſus ipſum & ſectam ſuam, ſicut Curia conſideraverit. Et ideo conſideratum eſt, quod prædictus* Nicholaus *vadiet legem ſe* 12. *manu. Et veniat cum lege in Octabis Sancti* Hillarii. *Plegii de lege* Adam Averill, & Richardus de Norwico.

Poſtea à die Sancti Johannis Baptiſtæ *in quindecim dies venit prædictus* Nicholaus, *& fecit legem ſuam. Ideo conſideratum eſt, quod ipſe* Nicholaus *inde ſine die*, & Richardus *filius* Godefridi in miſericordia pro falſo clamore. Et prohibitum eſt prædicto Nicholao ne ulterius Richardum prædictum placitet; et injunctum ei, quod ſine dilacione faciat ipſum abſolvi. *Poſtea venit prædictus* Richardus, *& queſtus fuit*, quod prædictus Nicholaus eum nondum fecit abſolvi. * Immo impetravit breve Regis de capiendo ipſum occaſione prædicti placiti. *Ideo præceptum eſt Vicecomiti*, quod attachiet eum quod ſit a die Paſchæ in unum menſem, ad reſpondendum de tranſgreſſione prædicta. * Note the vexation.

Idem Richardus *optulit ſe* 4. *die verſus Magiſtrum* Johannem de Cumpton *de placito*, quare ipſe ſimul cum prædicto Nicholao tenuit prædictum placitum in eadem Curia, contra eandem Prohibitionem. *Et ipſe non venit*, &c. *Et plures fecit defaltas.* Ita quod mandatum fuit Epiſcopo Lincolnienſi, quod faceret eum venire, eo quod Clericus eſt, et non habet, &c. Et quia Epiſcopus obiit, mandatum eſt Officiali Archiepiſcopi Cantuarienſis, quod faciat eum venire in Octabis Sancti Hillarii, &c.

Richardus *filius* Martini de Oteringham *optulit ſe* 4. *die verſus Magiſtrum* Thomam de Grimmeſton *de placito*, quare ſecutus eſt placitum in Curia Chriſtianitatis de catallis, &c. contra Prohibitionem, &c. *Et ipſe non venit*, &c. *Et* fuit attachiatus *per* Willielmum de la Chambre *de* Holm, & Adam Horeband *de eadem. Ideo ponatur per meliores Plegios, quod ſint à die Sancti* Hillarii *in quindecim dies. Et primi*, &c. Ibidem. Eborum.

Johannes *filius* Willielmi *Eſſoniator* Galfrid. de Wulmerſton *optulit ſe* 4. *die verſus Priorem de* Monte Acuto *de placito*, quare ſecutus eſt placitum in Curia Chriſtiani. de catallis et debitis quæ non ſunt de Teſtamento, &c. *Et ipſe non venit*, &c. *Et* attachiatus fuit *per* Robertum de Hamme, & Johannem Pay *de eadem. Ideo ponatur per meliores Plegios, quod ſit à die* Paſchæ *in quindecim dies. Et primi*, &c. Ibid. Rot. 15. Cumberland.

An. 40 & 41 Hen. 3. Ibid. Rot. 40. Somerset.

Henricus de Stanel. *optulit se* 4. *die versus* Henricum *Priorem de* Wederhall, Willielmum le Carpenter, Willielmum Fayrheved, Willielmum *filium* Alduræ, Johannem *filium* Richardi Mus, & Richardum Mus, *de placito*, quare secuti sunt placitum in Curia Christianitatis de laico feodo ipsius Henrici, *&c.* *Et ipsi non venerunt*, &c. *Et prædictus Prior* fuit attachiatus *per* Johannem *filium* Johannis de Bouleyn, & Henricum de Wedrehall. *Et prædictus* Willielmus, et omnes alii fuerunt attachiati *per* Richardum de Baltenthweyt, Adam Bradheved, Dryteythekeld, & Adam de Kirke Oswald. *Ideo ponatur per meliores Plegios, quod sit à die Sancti* Hillarii *in tres septimanas. Et primi*, &c.

Bundela Brevium in Turri London. an. 40 H. 3.

In a Bundle of Writs (in the *Tower*) *Anno* 40 H. 3. *Willielmus de Gaunt* sued forth a Writ of Attachment, *versus* Thomam *Priorem de* Markely *Vic.* Linc. *ostensur.* quare secutus est placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem nostram. *Teste*, &c. 15. *die* Junii, *anno regni nostri* 40.

Tom. 2. p. 853. l. 16. after *Junii*, adde; The original Instrument of this Accord made by *Adam de Marisco*, between the Bishop of *Winton* and the Prior and Monks of S^t. *Swithin*, ratified by the Kings Patent; I found in the *White Tower*, agreeing with that in the Patent-Roll.

In a Bundle of *Patents* and *Certificates* of Elections, *&c.* in the *White Tower*, An. 40 *H.* 3. I found this *Certificate* of the Chapter of *Landaff*, of their Election of *William Radnore* for their Bishop, by the Kings license, (who recommended another) after the decease of *John* their Bishop, desiring his confirmation thereof.

Bundela Petit. & Certif. an. 40 H. 3. in Turri London. See Godwins Catalogue, p. 427.

EXcellentissimo Domino suo *H.* Dei gratia illustri Regi *Angliæ*, Domino *Hiberniæ*, Duci *Normanniæ*, *Aquitaniæ*, & Comiti *Andegaviæ*, Capitulum Ecclesiæ *Landaven.* salutem in Domino sempiternam, & orationes in Christo cum devotione. Defuncto bonæ memoriæ *Johanne* quondam *Landavens.* Episcopo, nobis de solita clementia vestra per literas vestras patentes liberam vestri gratia concessistis eligendi facultatem. Nos autem Deum habentes præ oculis, salubri consilio literarum vestrarum firmiter, ut decuit, inhærentes, invocatâ Spiritus Sancti gratiâ, de unanimi assensu & voluntate omnium fratrum nostrorum, Magistrum *Willielmum de Radnore* Thesaurarium nostrum, virum discretum & honestum, egregiè literatum, Deo & Ecclesiæ devotum, Regiæ Majestati vestræ humiliter inclinatum, et rei publicæ, per Dei gratiam, valde profuturum, in temporalibus cautum, in patrem elegimus & pastorem, Celsitudini vestræ, quam conservet & augeat Altissimus, humiliter supplicantes et devotè, quatinus dictæ Electioni nostræ Regium assensum pie præbere dignemini; Nec molestè ferre velitis, si placet, quod preces vestras ad præsens exaudire * nequivimus; Cum ille qui nunc instinctu Spiritus Sancti duximus eligendum à puerili ætate sua nobis cognitus, existit, et inter nos laudabiliter et continue conversatus fuerit in Ecclesia nostra, quæ semper Clericos de gremio suo cujuslibet Ecclesiæ (dummodo digni extiterint) in Electionibus celebrandis cæteris Clericis duxit præferendos. Propter quod devotissimè petimus, nè prædicto facto nostro, quod, ut speramus, a Deo processit, in aliquo, quod Deus avertat, moveri aut turbari velitis; sed potius, si placet, processui nostro Canonico congratulari dignemini. Valeat & crescat Regia potestas vestra semper in Domino. Dat. anno Domini M. CC. LVI. 5. Kal. *Aug.* *Whereupon (it seems) the King was satisfied, and ratified his Election.*

* Who, it seems, recommended another to them whom they knew not.

An. 41 H 3. Plac. de Term. S. Trinitat. An. 41 H. 3. in Turri London. M. 3. Ebor.

In the fragments of Pleas in the *Tower*, *Term.* Trin. *An.* 41 H. 3. as I conjecture, I met with these Suits and Attachments upon Prohibitions.

Willielmus *fil.* Henrici de Assekewyke *per Attornatum suum optulit se* 4. *die versus Priorem Sanctæ* Trinitatis Eborum *de placito*, quare secutus est placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem, &c. *Et ipse non venit*, &c. *Et plures fecit defaltas. Ideo præceptum est Vicecom.* quod distringat eum per omnes terras, &c. Ita quod de exitibus, &c. Et quod habeat corpus ejus.

Ibidem.

Idem Willielmus *per Attornatum suum optulit se* 4. *die versus* G. *Archiepiscopum* Eborum, *de placito, quod esset ad hunc diem, & quod haberet hic* Willielmum *Decanum* Eborum, & Thomam de Aunton *Clericos suos, ad respondendum eidem* Willielmo *de placito*, quare secuti sunt placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem, &c. *Et præ-*

ceptum

ceptum fuit Vic. quod attach. eos, quod essent ad hunc diem. *Et Vicecomes nihil inde fecit. Ideo sicut prius præceptum est Vic.* quod attach. eos, quod sint in Octab. Sancti Michaelis. *Et Vic. sit auditurus Judicium suum.* *An.* 41 & 42 Hen. 3.

Willielmus *filius* Martini *per actionem suam optulit se* 4. *die versus* Richardum Pytecock *de placito*, quare secutus est placitum in Curia Christianitatis de catallis et debits quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem, &c. *Et ipse non venit, &c. Et plures fecit Defaultas. Ita quod primò fuit attach. per* Rogerum Atteyate *de* Bermingham, & Thom. *fil.* Johannis Tyxtor. *de eadem, & secundo per* Willielmum de Bermingham, & Robertum Bateman *de eadem. Ideo ipsi in misericordia. Et præceptum est Vic.* quod distringat eum per omnes terras: *Ita quod de Exit. &c. Et quod habeat corpus ejus in Crastino* Animarum, *&c.* Ibid. m. 12.

Tom. 2. p. 935. l. 21. adde; I found in the *White Tower* Chappel this Epistle and Petition of the Freers Minorites to King *Henry* the 3d. to confirm their intrusion into St. *Edmunds* by his second Charter; not deeming the Popes Bull they had got, sufficient; which the Abbots and Monks contemned and set at nought: wherein they highly extoll his piety, liberality; care to propagate Religion and Order, asserting his and other Kings Ecclesiastical prerogatives therein. *An.* 42 H. 3.

GLoriosissimo Principi & in Christo amantissimo Domino, ac piissimo patri Domino *Henrico*, Dei gratia illustrissimo Regi *Angliæ*, Domino *Hyberniæ*, Duci *Aquitaniæ*, sui devoti & supplices servuli & alumpni, Frater *H.* Fratrum minorum in *Angliæ*, minister humilis, cum universo Capitulo eorundem *Oxoniæ* celebrato, quicquid salutis & prosperitatis, gratiæ & gloriæ optari potest tantæ benignitati. Cum à primo ingressu Ordinis nostri in terras vestro Regimini & Dominio subjectas, clementiam vestram nobis semper invenerimus in omnibus favorabilem & benignam, Ita ut indefessa largitatis munificentia in omnibus Castbus utitur, hujus vitæ mortalis transitoria necessitas quantumvis viles & abjectos, de vestræ liberalitatis habundantia, tanquam pater filios sustentare non cessaveritis et fovere, contra calumpniantes & persequentes defendere, & * obtrectantibus ex zelo pii amoris, disertis rationibus, juxta datam vobis cœlitus industriam, & efficacibus excusationibus obviare, & ut sub compendio dicamus, ab omnibus semper malis protegere, et in bonis promovere; Non sufficit nostra mendicitas juxta condignum persolvere gratias, nec quicquam rependere vestræ Celsitudinis tantæ bonitati, sed Dominum à quo bona omnia procedunt, qui quod uni ex minimis suis fit, sibi fieri protestatur, totis cordium medullis indefessa precum instantia pro vobis supplices unanimiter exoramus, ut a vestra dominatione noxia semper depellat, et omnia vobis profutura concedat. Sane inter omnia vestræ pietatis beneficia, præcipuum et excellens reputamus, sic et Christo Jesu Domino nostro reputari indubitanter arbitramur, et ad gloriam Divini nominis pro animarum procuranda salute, quod Domum nostri Ordinis apud Sanctum Eadmundum in area vestra propria, ubi fratres in non modico numero Domino servientes et Sancto Eadmundo, doctrinam prædicantes, salutaria consilia tribuentes, ac pro vobis et vestris orantes, commorari poterunt, firmo decreto authoritate et virtute Regia collocatos, sicut evidentius Chartæ Regiæ declarabant, solempnis missio Justiciariorum à latere vestro firmavit, et patentium literarum Regalium tenores quæ ad memoriam præsentibus et futuris in testimonium habentur et apertissime protestantur. Hoc itaque quod ab initio fratres fieri optaverunt, ob hoc præcipuè & solum, quod locus ille efficaci auxilio medelæ spiritualis ad expurgandas spurcitias plurimum indigebat; Apostolicam sedem adierunt, obtinueruntque primum Monitorias Abbati et Monachis directas, ut fratres benigne sustentarent, omnibus pro impensis: postea increpatorias inde retulerunt, et iis pro * nihilo ductis, demum procurantibus fratribus ab eadem Sede efficacia privilegia, † —— cum aliis literis Papalibus Monachis directis, cum cogentissimis præceptis et executione potenti sunt obtenta. Quin hæc omnia præfati * Monachi aspernentes, in nullo penitus mandatis postpositis de suscipiendis juribus animarum et sustinendis, parere voluerunt; donec Deus, *in cujus manu sunt corda Regum*, cor vestrum igne sui amoris accensum, ad illud converteret, ut per manus vestras operaretur jam ad salutem animarum in terra vestra. Scimus enim & pro certissimo tenemus, quod nisi vestræ potestati vel clementiæ pietas affuisset, nihil omnino de tam salutari re fuisset actum, quod ineffabiliter Dei ad gloriam, et ad lætitiam peccatoribus adveniat, toti populo ad salutem, vobis ad honorem in terris, et ad cumulum gloriæ crescet in excelsis; Ideoque pauperum amantissime pater! absit à vestræ bonitatis constantia,

* 1 [illegible] 99. a.

* So little did the Abbots and Monks of St. Edmunds Ab- by value the Popes Bulls, Authority, or Admonitions.

† Fortasse, Bullis.

An. 42 & 43 Hen. 3. stantia, opus negligere tantæ pietatis, sed amore Dei sapienter recogitet mansuetudo vestra ——— qui creduntur in mundum, potestate, sapientia & benignitate sua, ipsum indefessa longanimitate bonitatis suæ sustinet & gubernat, nec unquam deserere dignetur. Hoc namque nunc intelligere debent Reges terræ, ut tanquam filii carissimi, devotis cordibus disciplinam patris cœlestis apprehendere, ut in sustentandis nobis, id ipsum, ab ipsis ad Dei cultum et animarum medelam pia devotione facta sunt, sic ipsum indesinenter imitentur in terris, ut cum ipso perpetuo regnare mereantur in cœlis; Quod unanimiter petimus, servi a Domino, a Patre filii, humiles ab Excelso, & humiliter requirimus totis cordibus sicut audemus, quatinus ad confortanda & confirmanda penitus in devotione ad Dominum pro nobis, devotorum corda servulorum vestrorum de throno Regiæ Majestatis præcipere dignemini, novas literas patentes exire ad Sanctum *Eadmundum* publicandas, quibus plenius innotescat universis, Domum nostræ Ordinis pro perpetua stabilitate manere vultis, et ab hæredibus vestris Regibus *Angliæ*, pro vestra et eorum et antecessorum vestrorum salute, ad Dei gloriam et beati *Eadmundi* meritum et honorem, ibi debet, juxta quod a vobis præceptum est, fratribus Ecclesiam fieri, perpetuo protegi ac defendi. Tantum si placet Dei intuitu, & salutis animarum, nostræque mendicitatis obtentu facientes; ut & divinæ propitiationis, qui pro recuperandis animabus perditis mori dignatus est, habundantiorem gratiam conquirere, & paupertatis nostræ devotionem vobis indissolubiliter astringere meritò debeatis. In Dignitatis vestræ prosperitate conservet (Vos) nobis Deo & populo suo per tempora longiora.

An. 43 H. 3. About the 43d. year of King *Henry* the 3d. *Thomas Lidel* Bishop of *Dune* in *Ireland* being oppressed and distrained by the Earl of *Ulster*, for refusing to appear and answer in his Court, to the prejudice of the Kings Crown and Dignity, and violation of his Oath of Fealty to him, sent his Archdeacon to the King with this Epistle, imploring his Royal assistance and relief against these vexatious oppressours; wherein he asserts, that it is the principal part of Regal Dignity to defend the Church, and restrain the disturbers of Ecclesiastical Liberty, which he earnestly presseth him to discharge in his particular Case, to prevent the mischiefs therein specified, and prevent his recourse to the Court of *Rome*, there to seek for redress; which Letter I discovered in the *White Tower*.

An. 43 H. 3. in Turri London. EXcellentissimo viro & Domino suo reverendo *H.* Dei gratia illustri Regi *Angliæ*, Domino *Hyberniæ*, & Duci *Aquitaniæ*; *Th.* Divina miseratione *Dunen.* Ecclesiæ Minister humilis, salutem & orationum suffragia. Cum ad Regiam pertineat dignitatem Ecclesias defensare, Ecclesiasticæque libertatis perturbatores compescere; Nos quoque qui vobis fidelitatis fecimus Sacramentum, per Dominum *Will. de Bourg* Com. *Ulton.* novis & indebitis exactionibus quas nunquam aliquis prædecessorum nostrorum alicui Com. hactenus facere consuevit, hiis diebus indebitè opprimimur & gravamur: Et quod in præjudicium Regiæ dignitatis vestræ, et Sacramenti quo vobis et Coronæ vestræ sumus astricti læsionem, in Curia ipsius Com. respondere nolumus sicut nec tenemur, terras ad Crociam nostram pertinentes nobis in Curia sua abjudicavit, ac Maneria nostra spoliavit bonis nostris. Quare Dom. *A.* Archidiaconum nostrum, præsentium bajulum nostrum & Cleri nostri procuratorem et Nuncium ad vestræ transmittimus refugium: Excellentiæ vestræ humiliter ac devotè in Christo supplicamus, quatinus qualiter prædecessores nostri *Dunen.* Episcopi pro salvandis Regiis libertatibus adversus Comites *Ulton.* stare consueverunt, et quos labores pro Regiis negotiis sustinuerunt ad memoriam, si placet, revocantes, Dom. Archid. in hiis quæ vestræ Majestati pro nobis et Clero nostro plenius explicabit benigne exaudire, et gravaminibus quæ nobis injuste inferuntur, remedium exhibere dignemini opportunum. Pro Jesu Christi nomine, et animæ vestræ salute salubriter prospicientes, quod magnificum nomen vestrum, quod à primo adventu *Anglicorum* in *Ulton.* tam reverenter hactenus recitatur in singulis Missis per *Dunen.* Dioc. celebratis, ubi plures quam alicubi in *Hybern.* infra tantæ terræ spatium usque ad hæc tempora habundant Sacerdotes et Religiosi, pro defectu defensionis debitæ a tam salubri memoria non cesset, quod absit. Si enim in hiis nostris pressuris celerius remedium nobis vestra non adhiberet Magnificentia, oportet nos Monasteria nostræ Dyoc. desolatata, et Maneria nostra vasta, et totam Dyoc. relinquere interdictam, et quatinus poterimus Curiam *Romanam* adire pro remedio ibidem perquirendo. Valeat et vigeat Excellentia vestra diu et benè in Christo.

In

In the *Plea-Rolls* of *Pasch.* & *Mich.* 43 *H.* 3. (in the *Tower*) I finde these Suits and Attachments brought for prosecuting and holding Suites in *Courts Christian*, against the Kings Prohibitions. *An* 43 & 44 Hen. 3.

Decanus Sancti Pauli London. & *Magister* R. *Officialis Episcopi* London. attachiati fuerunt *ad respondendum* Humfredo de Rubbeswurth *de placito*, quare tenuerunt placitum in Curia Christian. de catallis, &c. quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem, &c. *Et unde idem* Hugo *queritur*, quod ipsi tenent placitum in Curia Christianitatis *inter ipsum & Abbatem de* Waleden. & Galfrido de Lucy, *occasione executionis Testamenti* W. *Comitis de* Maundevill. *de quodam debito* C. *librarum*, *qui debebatur* S. *Archiep.* Cantuar. Plac. de Termino Paschæ, an. 43 H. 3. Middl.

Et Decanus & Officialis veniunt & dicunt, quod re vera ipsi Executores traxerunt eum in placitum coram eis de quibusdam articulis cujusdam compoti reddendi de quodam Manerio *quod traditum fuit pro prædicto debito: & de articulis illis processum fuit usque ad sententiam, & quod ipse consensit in eos*; et cum perventum fuit ad judicium, tunc primo protulit breve de Prohibitione. *Et quia Executores præsentes non sunt, ideo dictum est Judicibus*, quod non procedant antequam Executores compareant. *Et quia Abbas non venit, præceptum fuit Vicecomiti quod* attachiaret eum; *& ipse mandat*, quod cepit averia sua; *ideo sicut prius attachiet eum, quod sit à die Sanctæ* Trinitatis *in tres septimanas. Et quia Vicecom.' mandavit quod* Galfridus de Lucy *nihil habet in Comitatu* Middl. *ideo attachietur in Com.* Essex. *quod sit ad eundem diem. Et dicit quod* Ernaldus de Maundevill. *unus Conquerentium non est prof. & ideo ipse & pleg. sui de prof. in misericordia, scil.* Will. de Maundevill. & Radulfus *filius suus.*

Ricardus de Merton *per Attornatum suum optulit se quarto die versus Priorem de* Coneham *de placito*, quare tenuit placitum in Curia Christianitatis de catallis et debitis quæ non sunt, *&c.* contra Prohibitionem, *&c. Et ipse non venit. Et plures fecit defaltas. Ideo præceptum est Vicecomiti*, quod distringat eum per omnes terras, *&c. Et quod de exitibus, &c. Et quod habeat corpus ejus in Crastino Sancti* Johannis *Baptistæ.* Lincoln.

Umfridus de Canc. *Essoniator* Roberti Haneworth. & Radulphus de Norff. *Essoniator* Innocen. ——— *optulerunt se quarto die versus* Radulphum *Decanum Christianitatis* Lincoln. Johannem oue la Barbe *de* Linc. & Sylvestrum de Lincoln. *Capellarium de placito*, quare secuti sunt placitum in Curia Christianitatis de catallis, *&c.* quæ non sunt, *&c.* contra Prohibitionem, *&c. Et ipsi non venerunt. Et præceptum fuit Vicecom.* quod attach. eos, *quod essent hic ad hunc diem. Et Vicecom. nihil inde fecit, sed mandavit quod præceperat Ballivis libertatis* Lincoln. *qui nihil inde fecerunt. Ideo præceptum est Vic. quod non omittat propter prædictam libertatem*, quin attach. eos, *quod sint in adventu Justic. Et unde Vic. mandavit*, *&c.* Ibid. Linc.

Nigellus de Langeford & Matild. de Gonsell *opt. se 4 die vers. Magistr.* Nicholaum de Stauneford *de plac. quod cum idem* Nicholaus in Curia Domini Regis, *coram ipso* Dom. K. *apud* Rading. attachiatus esset, M. de Haversham *avuncul. prædict.* Nigel. *& fratr. prædict.* Matild. *cujus hæredes ipsi sunt*; quare secut. fuit plac. in Curia Christianitatis de advocatione Ecclesiæ de Gailburg, contra prohibitionem Dom. Regis. *Et idem* Nicholaus *venisset in eadem Cur. & defendisset contra eundem* M. & *sectam suam*, quod nunquam secutus est placitum in Curia Christian. contra prohibitionem Dom. Regis. *Et inde vadiasset legem suam, & illam in eadem Curia Dom. Regis tenuisset. Et præterea*, in eadem Curia ei prohibitum esset, ne plac. illud ulterius sequeretur, ac ipse coram Justic. in eadem Curia Dom. K. concessisset, quod plac. illud ulterius non sequeretur; imo quod penitus revocari faceret quicquid per ipsum in placito illo in Curia Christianitatis actum esset: *Idem* Nicholaus *postea*, contra Prohibitionem et Concessionem suam prædictam secutus est placitum illud in prædicta Curia Christianitatis de advocatione Ecclesiæ prædictæ, ad exhæredationem ipsorum Matth. et Matil. et in contemptum Dom. Regis manifestum. *Et ipse non venit*, *&c. Et præceptum est Vic.* quod attach. eum, *quod esset ad hunc diem. Et Vic. mand.* quod Clericus est, et non habet laicum feodum per quod, *&c. Et ideo mandatum est* R. *Episc.* Coventr. & Lychf. *quod faceret eum venire*, *&c.* Plac. 15 S. Mich. an. 43 H. 3. rot. 6. Dors.

In *Placita Assisarum* (in the *Tower*) *coram* Rogero de Thurkely *& sociis suis*, *Itin. de Banco, anno regni Regis* Henrici *fil.* Johan. 44. *Kanc.* I finde these Suites and Attachments brought for prosecuting and holding Plea in Ecclesiastical Courts, of things whereof they had no Legal Conusance, against the Kings Prohibitions, to the prejudice of the Kings Crown, Dignity, and Subjects Liberties. *An.* 44 H. 3.

Henricus

An. 44 H. 3. Rot. 17. dorso. Buk.

Henricus de Baynorth & Maugerus de Knoll *optulerunt se 4 die versus* R. *Episcopum* Lincolnienſem *de placito, quod esset ad hunc diem & ibi haberet* Mathæum *Archidiaconum* Buk. Johannem de Cumpton *Officialis ejusdem Archidiaconi*, Radulphum *Decanum &* Ranulphum de Neſton, *ad respondendum eis de placito, quare cum Magister* Ranulphus de Neſton *Persona Ecclesiæ de* Preſton in Curia Regis hic coram Juſticiariis recup. ſeiſinam verſus prædictos Henricum et Maugerum, *de una virgata & sex acris terræ cum pertinentiis in* Cunel. *ut Jus Ecclesiæ ſua de* Preſton *per servicium ſuſtentandi quendam Capellanum, qui ſingulis ſeptimanis imperpetuum divina celebraret in Capella de* Cunel. *quæ subjecta est Ecclesiæ prædictæ de* Preſton: *Ita quod iidem* Henricus & Maugerus *& haeredes eorum* diſtringerent *prædictum* Ranulphum, et Rectores ejuſdem Eccleſiæ pro eodem ſervicio neceſſitate compellente: *dicti* Matthæus, Johannes, & Ranulphus *per eo quod idem* Henricus & Maugerus *prædictum* Ranulphum prædictum ſervicium facere reculantem pro eodem ſervicio ſecundum conſuetudinem Curiæ diſtringerent, tenuerunt inde placitum in Curia Chriſtianitatis inter ipſum Radulphum et prædictum Henricum et Maugerium in præjudicium Coronæ et dignitatis Regis, et contra Prohibitionem, *&c. Et ipse non venit, & habuit diem per Essoniatorem ſuum ad hunc diem. Postea* attachiatus fuit *per* Griffinum *Præpoſitum, &* Radulphum le Meſſer. *Ideo ponatur per meliores plegios, quod ſit in craſtino Sancti* Johannis Baptiſtæ. *Et primi, &c.*

Cancebr. Ibid. 18. dorso.

Simon de Chendoz & Willielmus de Sherperell *optulerunt se 4 die verſus Perſonam Eccleſia de* Malketon *de placito*, quare ſecutus eſt placitum in Curia Chriſtianitatis de catallis et debitis quæ non ſunt de Teſtamento vel Matrimonio, contra Prohibitionem, *&c. Et ipſe non venit, &c. Et præceptum fuit Vicecomiti* quod attachiaret eum *quod eſſet ad hunc diem. Et Vicecomes nichil inde fecit, ſet mandavit quod Clericus eſt, & quod non habet laicum feodum per quod poteſt attachiari: Et ideo mandatur Officiali Epiſcopi* Elienſis, *quod faciat eum venire à die* Paſchæ *in unum menſem per* Bartholomæum Baygnard. The like Suit there is *Rot.* 13. *Kant.* between other perſons.

Rot. 20. intus Eborum.

Alicia de Arnald *optulit ſe 4. die verſus prædictum Archiepiſcopum* Ebor. *de placito quod eſſet ad hunc diem, & hic haberet Magiſtrum* Alanum *de* Sexdecim vallibus *ad reſpondendum eidem* Aliciæ *de placito*, quare ſecutus eſt placitum in Curia Chriſtianitatis de catallis et debitis quæ non ſunt, *&c.* contra Prohibitionem, *&c. Et ipſe Archiepiſcopus non venit, &c. Summoneas, &c. ad audiend. Judicium*, attachietur quod ſit ad prædictum terminum.

Rot. 21 dorso.

Præceptum fuit Vicecomiti, quod attachiari faciat Nicholaum de Sancta Maria, *ita quod haberet eum hic ad reſpondendum* Domino Regi *extra regnum ſuum exiſtenti, dum ad cuſtodiam & pupplica negocia regni aſſignaret dilectum Clericum ſuum* Walterum de Merton, idem Nicholaus in contemptum ipſius Regis, et grave impedimentum negociorum ſuorum, inhiberi procuravit occaſione cuſuſdam pecuniæ quæ non eſt de Teſtamento vel Matrimonio, ne aliquis ſub pœna Excommunicationis eidem Waltero communicaret, deſicut pecuniæ et catalla aliaque non ſunt de Teſtamento nec Matrimonio, juriſdictionis dicti Dom. Regis ſunt, et ſpecialiter pertinent ad coronam et dignitatem ſuam. *Et Vicecomes nichil inde fecit, ſet quod* Willielmus Evorard *de* Clifton, & Petrus de Haukeſton *manuceperunt eum*; ideo ipſi in miſericordia. *Et præceptum eſt Vicecomiti* quod diſtringeret eum per omnes terras, *&c. ita, &c. Et quod de exitibus, &c. Et quod habeat corpus ejus à die* Paſchæ *in quindecim dies, &c.*

Rot. 17. intus Wygorn.

Ricardus de Mucegros *optulit ſe 4. die verſus* Ricardum de Boneham *Officialem Archid.* Wygornienſis *de placito*, quare ſecutus eſt placitum in Curia Chriſtianitatis de catallis et debitis quæ non ſunt de Teſtamento vel Matrimonio, contra Prohibitionem, &. Ricardus *non venit, &* fuit attachiatus *per* Ricardum le Engleys & Adam Couel. *Ideo ponatur per meliores plegios quod ſit in octabis Sancti* Johannis Baptiſtæ, *&c.*

Rot. 28 dorso Deven.

Willielmus de Stokes, & Joel *de eadem, optulerunt ſe 4. die verſus* Thomam le Butyller, Atrandum Taunton. Johannem de Cantilupo, Bartholomæum de Pultingmore, & Brianum *de eadem, de placito, quare prædicti* Thomas *& Magiſter* Johannes tenuerunt placitum in Curia Chriſtianitatis de laico feodo prædictorum Willielmi et Joelis in Pultingmore, contra, *&c. Et de placito*, quare prædicti Bartholomæus et Ricardus ſecuti ſunt idem placitum in eadem Curia, contra Prohibit. *&c. Et ipſi non venerunt, &c. Et præceptum fuit Vicecomiti* quod attachiaret eos *quod eſſent*

esſent ad hunc diem. Et Vicecomes nihil inde fecit, eo quod prædicti Willielmus & Joel *non invenerunt plegios de prosequendo: Et quia prædicti* Willielmus & Joel *fecerant Justiciariis securitatem de clamore suo prosequendo per* Henricum de Bradek *in Comitatu* Essex. & Willielmum de Pavilly *de Comitatu* Surr. *præceptum est Vicecomiti* quod attachiaret eos, *quod sint in octabis Sanctæ* Trinitatis, *&c.* *An.* 44 H. 3.

Radulphus Aylwyn *per Attornatum suum optulit se 4 die versus* Robertum atte Wolde *et* Thomam *filium ejus de placito*, quare secuti sunt placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento, &c. contra Prohibitionem, &c. *Et ipsi non venerunt*, &c. *Et plures fecit defaltas: Ideo præceptum est Vicecomiti quod distringat eos per terras: Ita quod habeat corpora eorum in octabis Sancti* Johannis Baptistæ, *&c.* Rot. 29. dorso. Norff.

The Dean and Chapter of *Armach*, during the vacancy of the Archbishoprick, according to right and antient custom, having examined and confirmed the Election of *W. de Haya*, made by the Kings license to the Bishoprick of *Coner*, and he bringing them the Kings Letters Patents which certified it after due examination thereof, though for a time opposed by the Clergy of his Dioceſs, they returned the King this Certificate of their confirmation of it, in order to restore him his Temporalties.

EXcellentissimo Domino suo, Domino *H.* Dei gratia illustri Regi *Angliæ*, Domino *Hiberniæ*, Duci *Aquitaniæ*; sui humiles & devotissimi, Decanus totumque Capitulum Ecclesiæ *Archmachan.* salutem, & tàm debitam quàm devotam cum orationum suffragiis in omnibus reverentiam. Cum Ecclesia nostra nuper per mortem venerabilis patris nostri bonæ memoriæ *A.* quondam Archiep. *Archmac.* pastoris solatio sit destituta, venerabilis vir *W. de Haya* Ecclesiæ *Coner.* Electus accedens ad nostram præsentiam, utpote ad quos tum de jure, tum de antiqua et approbata sedis *Archmac.* consuetudine spectant suffraganeorum ipsius sedis confirmationes, electionem de se factam in Ecclesia *Coner.* nobis præsentavit, cum literis vestris patentibus, in quibus electioni suæ vestrum pium assensum Regium præbuistis, et electionem ipsius ipse et procuratores Cleri *Coner.* a nobis, sicut decuit, confirmari petierunt. Nos autem ydoneitatem personæ ipsius Electi & utilitatem Ecclesiæ *Coner.* considerantes, necnon & commodum vestrum ac regni vestri per ipsum Electum vobis in *Hibernia* factum & faciend. prout ex relatione Justiciariorum vestrorum & aliorum qui sunt de consilio vestro in *Hibernia* plenius intelleximus, de consilio quorundam suffraganeorum Ecclesiæ *Archmac.* qui nobiscum præsentes fuerant, postquam quidam de Clero *Coner.* qui primo ipsi Electo et suæ electioni contradixerant, cum a sua contradictione in hac parte penitus destitissent, electionem Ecclesiæ Electi memorati in omnibus ratificantes, eam secundum (justitiam) cum exacta diligentia tam in forma quam in materia examinavimus; & quia electionem sic examinatam Canonicè invenimus celebratam, eam exigente justitia confirmavimus. Hinc est quod vestram Regiam excellentiam in Domino exoramus, quatinus eidem Electo sic per nos confirmato, temporalia Episcopatus *Coner.* cum suis pertinentiis sine moræ dispendio concedere dignemini. In cujus rei testimonium has literas nostro communi sigillo signatas, una cum sigillo Decani Sublimitati vestræ mittimus patentes. Dat. apud *Pontem* in crastino Sancti *Vincentii* Martyris, anno Domini M. CC. sexagesimo. Valeat & vigeat Excellentia vestra per tempora longiora. In Bundela Cer[illegible] tic. [illegible] in [illegible] don.

Tom. 2. p. 976. l. 4. after *Winton*, adde; In the *Placita de Termino* Paschæ, *anno* 44 *H.* 3. (in the *Tower*) I found these ensuing Prohibitions and Attachments, for holding Plea of and prosecuting Suits in Courts Christian, belonging to the Kings Courts alone. Plac. de Termino Paschæ, an. 44 H. 3. in Turri London.

Johannes de Fosdich *optulit se quarto die versus* R. Episcopum Lincoln. *de placito quod esset ad hunc diem*, *Et hic haberet* Johannem *Decanum de* Walecroft *Clericum suum*, ad respondendum prædicto Johanni de placito, quare secutus est placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem, &c. *Et Episcopus non venit*, &c. et fuit attachiatus per Willielmum *Præpositum de* Norton, *et* Walterum Bate. *Ideo ponatur per meliores plegios quod sit à die Sancti* Michaelis *in* 15. *dies*, *et ibi habeat*, &c. *Et primi*, &c. Rot 17. intus Linc.

Ricardus Suthamton *de* Thormesby, Willielmus Northamton, *et* Ricardus Mortbarnd, *per Attornatum suum optulerunt se quarto die versus* Willielmum de Suthamton *Canonicum* Lincolniæ *de placito*, quare secutus est placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem Rot. 20. intus. Linc.

An. 44 H. 3. nem nostram, &c. *Et ipse non venit: Et præceptum fuit Vicecomiti* quod attachiaret eum, *quod esset ad hunc diem. Vicecomes nichil inde fecit, set mandavit quod prædictus* Willielmus *Clericus est*, et non habet laicum feodum per quod potest attachiari. *Et ideo mandatur Episcopo* Lincolniæ, *quod faciat eum venire à die Sancti* Johannis Baptistæ *in* 15. *dies. Et unde Vicecomes*, &c. *Consimile versus Vicarium Ecclesiæ de* Mudiford.

Rot. 22. intus. Kanc. Christiana *filia* Thomæ *optulit se quarto die versus Magistrum* Hugonem de Mortuo Mari, *Magistrum* Omerum de Cantuaria, & Hamonem Digge *de placito*, quare secuti fuerunt placitum in Curia Christianitatis de laico feodo ipsius Christianæ in Cantuaria, contra Prohibitionem, &c. *Et ipsi non venerunt*, &c. *Et præceptum fuit Vicecomiti* quod attachiaret eos *quod essent ad hunc diem. Et Vicecomes nichil inde fecit set mandavit*, quod non habent laicum feodum, &c. *Et testatum est, quod habent terras & tenementa*, &c. *ad sufficienciam*, &c. *Ideo sicut prius præceptum est Vicecomiti* quod attachiet eos *quod sint à die Sancti* Johannis Baptistæ *in* 15. *dies*, &c. *Et unde Vicecomes*, &c. *Et unde testatur*, &c.

Rot. 30. dorso. Sussex. Johannes le Fry *optulit se quarto die versus Magistrum* Galfridum *Archidiaconum* Cycestriæ *de placito*, quare tenuit placitum in Curia Christianitatis de catallis et debitis quæ non sunt, &c. contra Prohibitionem, &c. *Et ipse non venit*, &c. *Et primò* fuit attachiatus *per* Walterum de Bagenore, *et* Nicholaum de Bekel. *Et secundò per* Robertum de Srivesbeme *et* Galfridum Boun. *Ideo ipsi in misericordia. Et præceptum est*, &c. quod distringat eum per terras, &c. *Ita quod habeat corpus ejus à die Sancti* Johannis Baptistæ *in* 15. *dies. Et prædictus* Johannes *questus est*, quod prædictus Magister perquisivit breve Domini Regis ad capiendum ipsum pendente placito in Curia hic. Inhibitum est Vicecomiti, quod occasione illius brevis de captione nichil faciat. *Consimilis secta, versus* Johannem *Personam Ecclesiæ de* Undel. *Consimilis per* Herbertum de Wlrington *versus* Ricardum *Personam Ecclesiæ de* Corn.

Rot. 36. dorso. Northt.

Rot. 5. dorso. Noting.

Rot. 7. intus. Kanc. Robertus le Poer *versus* B. Archiepiscopum Cantuar. *de placito quod esset ad hunc diem, & hic haberet* Robertum *Priorem de* Faversham, & Radulfum de Estling. *Clericos suos, ad respondendum ei de placito*, quare prædictus Prior tenuit placitum in Curia Christianitatis de catallis et debitis quæ non sunt, &c. contra Prohibitionem, &c. *Et Vicecomes nichil inde fecit, set mandavit, quod præceperat Ballivis Archiepiscopi* Cantuariæ, *qui nichil inde fecerunt. Ideo præceptum est Vicecomiti quod non omittat propter libertatem prædictam quin summoneat eum quod sit in octabis Sancti* Michaelis, *&c. Et unde*, &c.

Ibid. 10. dorso. London. Simon de Pateshull, *&c. versus Magistrum* Michaelem *Decanum de Arcubus* London. *de placito*, quare tenet placitum in eadem Curia de catallis et debitis quæ non sunt, *&c.* Et alterum mandatum fuit Archiepiscopo Cantuar. quod faceret eum venire, *&c. Et Episcopus nichil inde fecit, nec breve misit. Ideo præceptum est Vicecomiti* Kanciæ *quod summoneat prædictum Archiepiscopum quod sit ad præfatum terminum.*

Rot. 15. intus. Ebor. Willielmus *filius* Philippi *& alii*, &c. *versus* Rogerum de Shipton *& alios de placito*, quare tenuerunt placitum in Curia Christianitatis de catallis, *&c.* contra Prohibitionem, *&c.*

Rot. 3. intus. Lond. Walterus Kaer & Rich. *fil. ejus optulit se* 4. *die versus* B. *Archiepiscopum* Cantuar. *de placito, quod esset ad hunc diem, & haberet hic* Michaelem *Decanum de Arcubus* London. Rich. de Clapham, & Willielmum *Decanum de* Depedal *Clericos suos, ad respond. prædict.* W. *et* R. *de plac.* quare prædicti W. et R. tenuerunt placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem, *&c. Et de placito*, quare prædict. Will. secutus est idem plac. in eadem Curia, contra Prohibitionem nostram. *Et ipse non venit*, &c.

Ibid. rot. 26. Lanc. Willielmus de Sywel attach. fuit *ad respond.* Richardo le Fleming *de plac.* quare secutus est plac. in Curia Christian. de catall. et deb. quæ non sunt, *&c.* contra Prohibit. *&c. Et unde prædict.* R. *queritur, quod cum prædict.* Will. traxisset ipsum in placitum in Curia Christian. *coram Priore de* Conyngesheved, *exigend. ab ipso* 40 *s. & similiter* Advocationem Ecclesiæ *de* Erlondem; *Et ipsi, &c. detulisset eidem* Willielmo Prohibit. Dom. Regis, *ne prædictum placitum sequeretur. Et prædict.* Willielmus, spreta Prohibit. Dom. Regis, secut. fuit prædict. placit. in eadem Curia, ita quod fecit eum ab ingressu Ecclesiæ suspendi, et postea excomm. *Et dicit*, quod deterio-

deteriorat⁹ est, et damnum habet ad valenc. C. sol. *Et inde producit sectam, &c.* Et prohibitum est ne sequatur prædictum placitum. *An.* 44 H. 3.

Beuglos Brun *appellat* Radulph. Vimen, *de morte* Walteri *fratris ipsius* R. *Et* Radulpus *venit*; *et super hoc venit quidam Magister* Wilielmus de Capella *Clericus* W. *Episcopi* Exon. *differrens literas prædicti Episcopi, per quas idem Episcopus constituit ipsum ad petend. & recipiend. hic prædict.* Radulphum *Clericum suum ipsius Episcopi*; *Et petit ipsum tanquam Clericum. Et prædict.* Beuglos *quæsitus*, si vellet sequi in Curia Christianitatis vers. prædictum Radulph. de prædicta morte? dicit quod sic. *Et dictum est Magistro* Willielmo, quod celerem justitiam exhibeat prædicto Beuglos. et quod certum diem ei prefigat. Et Willielmus præfixit eidem in crastino S. Trinitatis in Cathedrali Ecclesia de Exon. is ei liberatur. *Et dictum est prædict.* Beuglos. quod nisi celerem justitiam ei exhibeant, quod redeat, *&c.* Ibid. rot. 16. Cornub.

In *Trinity* Term, the same year, I finde these Suites and Attachments of the same kinde as the preceding. Plac. de Term. S. Trin. Anno 44 H. 3. in Turri Lond.

Hugo le Bigod *per Attornatum suum optulit se quarto die versus* Godefridum *Archiepiscopum* Ebor. *de placito, quod haberet ad hunc diem Magistrum* Hugonem de Cantilupo *Præcentorem Ecclesiæ* Ebor. Willielmum *Archidiaconum* Richemond. & Johannem de Hesel *Clericos suos, ad respondendum eidem* Hugoni *de placito*; quare iidem Præcentor et Archidiaconus tenuerunt placitum in Curia Christianitatis de tertia parte advocationis Ecclesiæ de Cottingham, contra Prohibitionem, *&c. Et de placito*, quare prædictus Johannes secutus est idem placitum in eadem Curia Christianitatis, contra eandem Prohibitionem, *&c. Et ipse non venit; & plures fecit defaltas. Ita quod præceptum fuit Vicecomiti*, quod distringat eum per omnes terras, *&c.* Ita quod de exitibus, *&c.* Et quod haberet corpus ejus ad hunc diem. *Et similiter præceptum fuit Vicecom. sicut aliàs, &c.* quod distring. Richardum de Tauge, Johannem de Harbir, Robertum de Sinke, Willielmum le Bretun, Michaelem de Bermiteworth, Adam le Butil. Johannem de Chelray, Radulphum de Normanvill. Adam de Naweſcapp, Johannem de Barkeston, Nigell. de Stockholt, & Henr. de Auston per terras, *&c.* Ita quod haberet corpora, *&c. ad rec. &c.* si Willielmus le Latymer *quondam Vic.* Ebor. *per ultimum præceptum ei directum* de distringendo prædictum Archiepiscopum per, *&c. quod esset coram Justic. hic à die S.* Hillarii *in* 15. *dies anno r.* H. 3. 40. et quod de exitibus terrarum et catall. suorum Domino Regi responderet, de exitibus terrarum et catallorum ipsius Archiepiscopi in Balliva sua; scilicet de bladis, catallis, redditibus, et firmis ad prædictum terminum respondisse potuit, *circiter quadringent. vel quingent. marc. sicut prædictus* Hugo *dicit, vel non; de quibus Domino Regi nihil respond. sicut ei præceptum fuit. Et similiter præceptum fuit Vic. sicut aliàs, &c. quod venire faceret* Thomam de Bella aqua, Willielmum de Richere *Clericum*, Radulphum *fratrem ejus*, & Hugonem de Lascy, quibus Willielmus le Latymer tunc Vicecomes Ebor. commisit Maneria ipsius Archiepiscopi de Shireburne et Cawod, et omnia bona in prædictis Maneriis inventa, prout idem Willielmus præfatis Justiciariis suis apud Westm. mandavit ad respondendum Domino Regi de exitibus prædictis. *Et ipsi non venerunt. Et Vic. mandavit*, quod prædictus Archiepiscopus districtus est per omnes terras, *&c.* in Baronia sua; scilicet, apud Shireburne, Wylton, Barton, Sotelay, *et* Cawod: Et quod exitus illarum terrarum committantur Roberto de Wyleby, Radulpho de Mileford, Thomæ de Barkeston *et* Johanni *de eadem*, Willielmo de Geneldale *in* Fangefosse, Radulpho *fil.* Mariotæ *de eadem*, Willielmo de Wodehall, Richardo le Caret *de* Beverlee, *et* Johanni de Lond. *de eadem*, Falconi de Sakesfend, *et* Willielmo *fil.* Willielmi de Beineton ad respondendum de exitibus prædictarum terrarum, set noluit permittere corpus suum attachiari. *Et ideo sicut prius* præceptum est Vic. quod distring. eundem Archiepiscopum per omnes terras, *&c.* Ita quod de exitibus, *&c.* Et quod habeat corpus ejus a die Sancti Michaelis in tres septimanas, *&c.* Et præcept. quod venire fac. prædictos Willielmum de Wyleby et alios, quibus videlicet exitus terrarum prædictarum commissi fuerunt, ad respondendum de eisdem ad eundem terminum. Et similiter quod distringat prædictos Thomam de Bella aqua, et alios quibus prius exitus Maneriorum prædicti Archiepiscopi de Shireburne et Cawod commissi fuerunt, per omnes terras, *&c.* Ita quod habeat corpora eorum ad eundem terminum, ad respondendum de exitibus illis. Et similiter quod distr. prædictos Jur. per omnes terras, *&c.* Ita quod de exitibus,

An. 44 & 45 Hen. 3. bus, &c. Et quod habeat corpora corum ad eundem terminum, ad recogn. in forma prædicta, &c.

By which Record we may discern, 1. What manifold delayes and contempts these Ecclesiastical Officers and the Archbishop made in this Case, against the Kings Writs and Process. 2ly. The negligence of the Sheriffs and others in executing and levying the issues of their Manors and Lands seised for their contempts, and bringing them in to the Kings use, as they were enjoyned; by reason of underhand Bribes and other indirect means, to the delay of Justice against them, and encouragement of them in their usurpations on the Crown, and vexations to the Subjects.

Ibid. Kanc. Hugo Ingman *optulit se 4. die versus* Matil. de Ferlinghove *de placito*, quare secuta est placitum in Curia Christianitatis de catallis et debitis quæ non sunt, *&c.* contra Prohibitionem, *&c. Et ipsa non venit; & plures fecit defaltas. Ita quod præceptum fuit Vic.* quod distr. eam per terras, *&c. Ita quod* haberet corpus ejus *ad hunc diem. Et Vic. nichil inde fecit, set mandavit quod nichil habet in Balliva sua per quod potest distr. Et super hoc testatum fuit in eadem Curia, quod habet terras & tenementa apud* Ferlinghove *ad sufficientiam per quæ potest distringi: Et ideo præcept. est Vic.* quod distr. eam per omnes terras et tenem. *&c. Ita, &c. et quod habeat corpus ejus à die Sancti* Michaelis *in unum mensem. Et benè testatum est, &c.*

Ibid. Kanc. *Idem* Hugo & Ricardus le Venir *optulerunt se 4. die versus* Willielmum de la Gare, Henr. de Pinnesdu, Radulphum *Clericum*, Walterum de Chapeleyn, Emericum *Priorem de* Folkestan, & Simonem le Chapeleyn *de placito*, quare tenuerunt placitum in Curia Christianitatis de catallis et debitis quæ non sunt, *&c.* contra Prohibitionem, *&c. Et ipsi non venerunt. Et præceptum fuit Vic.* quod attachiaret eos, *&c.*

Ibid. Wygorn. Rot. 13. dorso, Hereford. Johannes Rehal *habet consimilem sectam vers.* ——— Ripel.

Robertus Bugard *optulit se, &c. versus* Nicholaum de Hundelawe *de placito*, quare secutus est consimile placitum in Curia Christian. *Et ipse non venit; & plures fecit defaltas. Ita quod primò* fuit attach. per, *&c.*

Rot. 7. intus, Eborum. Hugo le Bigod *per Attornatum suum opt. se, &c. versus* G. *Archiepiscopum* Eborum *de placito, quod esset ad hunc diem, & ibi haberet Magistrum* Hugonem de Cantilupo *Præcentorem Ecclesiæ* Ebor. Willielmum *Archidiac.* Richemund. & Johannem de Hesellad *ad respondendum ei*, quare prædicti Præcentor et Archidiac. tenuerunt placitum in Curia Christianitatis de tercia parte advoc. Ecclesiæ de Coringham; *& de placito*, quare prædictus Johannes secutus est idem placitum, *&c.* contra Prohibit. *&c. Et ipse non venit; et plures fecit defaltas. Ita quod præcept. fuit Vic.* quod distr. cum per, *&c. Ita quod de exitibus, &c. Et quod haberet corpus, &c. Et similiter præc. fuit Vic.* quod distr. Ricardum Tange *& soc. suos, &c.* per terras, *&c. Ita quod haberet corpora eorum hic, &c. ad rec. &c. Si* Willielmus le Latimer *dum fuit Vic. prædicti Com. per ultimum præceptum Domini Regis ei directum de distr. prad. Archiepiscopum per terras, &c. quod esset coram Justic. hic, &c. Et quod de exitibus terrarum, &c. respondisse potuerit circiter* 40. *vel* 50. *Marcas, sicut prædictus* Hugo *dicit, vel non. Et Vic. &c. mandat quod breve adeo tardo, &c. Et ideo sicut prius præc. est Vic. quod distr. prædictum Archiepiscopum, &c. Et ibi habeat prædictos Clericos suos, &c. Et similiter quod distringat prædictos Jurat. &c. ad faciendum prædictam Juratam, &c. Et unde Vic. mandat, &c.*

Plac. de Termino S. Mich. an. 44 & 45 H. 3. in Turri London. In the *Placita de Annis* 44. & 45. H. 3. (in the *Tower*) *coram* G. de Preston, Johanne de Wyvill, *et* Johanne Kava, *Justic. de Banco*; I finde these Actions and Attachments upon Prohibitions, for prosecuting and holding Suits in *Court Christian* against the Kings Prohibitions, Crown and Dignity, to the Subjects damages. *Rot.* 6. Ebor. Emma Wasthuse *versus* Johannem de Langeton *Archid. de* Westriding, *et* Radulphum *Personam de* Cornberry, *Decanum de* Anesleya, *de placito*, quod tenuerunt placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem, *&c.* *Rot.* 10. Norff. Johannes *fil.* Bartholomæi de Wangsanghull, and two more, attachiati fuerunt *ad respondend.* Willielmo de Wigehall, *quare ipsi,* with two others, prosecuti fuerunt placitum in Curia Christianitatis de catallis et debitis quæ non sunt, *&c. ad damnum* C. *sol. Rot.* 11. Heref. Robertus Hagard *versus* Nicholaum de Handelaw. *Rot.* 15. London. Henric. *Persona Ecclesiæ Sanctæ* Margaret. *in* Friday-street, attachiatus fuit *ad respondendum* Henrico Wilmercut; quare suspendit eum ab ingressu

Eccles

Eccles. et excommunicavit, contra Prohibitionem Dom. Regis, ad dammum C. *l. An.* 45 H. 3.
Rot. 17. Middſ. Willielmus *fil.* Philippi de Rus attach. fuit *ad reſpondend.* Richardo
de Tayllur. *Rot.* 25. the like by the *Prior* de la Grace *verſus Magiſtr.* Petr. de
Audeham. *Rot.* 29. the like by Walterus de Clifford, *verſus* Auketellum *Deca-*
num Hereford. *et* VVillielmum *Archidiac.* Hereford, *Rot.* 30. Hereford. the like
by VVillielmus Huſſemayne *verſus Magiſt.* Stephanum de Garwill. *Rot.* 34. the
like, Johannes *Perſona Eccleſiæ de* Daneſy, qui attachiatus eſt *ad reſpondend.* Gode-
frido de London. The like *Rot.* 36. *Magiſt.* Rogerus Moyin *Prior S.* Trinitatis
Ebor. Gilbertus de Vicarye, *et* Johannes de Anhul attachiati ſunt *ad reſpondend.*
Aliciæ de Amikfall, &c. unde deterioꝛata eſt, et dammum habet ad valen. C. Marc.
Rot. 43. Surr. The like by VVillielmus *fil.* Euſtachii de VVowereis *verſus Ma-*
giſt. Robertum *Officialem Archid.* Surr. Robertum *Decanum de* Guldesford, *et*
Hugonem de la Horte. Beſides theſe Suits and Attachments upon Prohibitions in
Suits for Chattels and Debts, there are theſe Attachments upon Prohibitions for
Suits for Free-holds then proſecuted and held in Courts Chriſtian: *Ibid. Rot.* 34.
Eſſex. Johannes *Perſona Eccleſiæ de* Daneſye attachiatus fuit *ad reſpondend.* Matildæ
Bacun *de placito*, quare ſecutus eſt placitum in Curia Chriſtianitatis de laico feodo
ipſius Matild. in Daneſye, contra Prohibitionem, *&c.* unde dammum habet ad
valenciam 20. l. *Item Rot.* 38. *et Rot.* 46. Linc. VVillielmus de Shyrevel *verſus*
Magiſtr. Nicholaum de S. Quintino. But that which is the moſt memorable caſe
of this kinde in theſe Plea-Rolls, I ſhall preſent you with at large. * Nicholaus de
VVotteſdene attachiatus fuit *ad reſpondendum* Ricardo *fil.* Godefrido de VVycumbe
de placito, quare cum idem Nicholaus *vadiaſſet ei quandam legem de hoc*, quod nul-
lum placitum tenuit in Curia Chriſtianitatis de catallis et debitis quæ non ſunt de
Teſtamento vel Matrimonio, contra Prohibitionem, *&c. Et legem illam feciſſet*;
et ei injunctum eſſet per Juſticiarios hic, ne prædictum placitum ulterius teneret, et
ſi prædictum Ricardum occaſione prædicti placiti excommunicaſſet, ipſum Ricardum
ſine dilatione abſolvi faceret. Idem Nicholaus ipſum Ricardum nondum abſolvi
fecit, ſicut ei injunctum fuit per Juſticiarios hic, *&c.* Immo impetravit literas
Regis de capiendo prædictum Ricardum occaſione prædicti placiti, &c. *Et unde*
prædictus Ricardus *queritur, quod cum vadiaſſet ei legem, ſcil. legem in octabis Sancti*
Michaelis *anno* 44 H. 3. *et illam legem feciſſet in Curia Regis hic*, et injunctum ei
fuiſſet, ne ulterius prædictum placitum teneret, et ſi ipſum occaſione prædicti pla-
citi excommunicaſſet vel excommunicari procuraſſet, ipſum abſolveret vel abſolvi
procuraret; prædictus Nicholaus ſpreta Inhibitione Juſticiariorum, ſententias Ex-
communicationis, quas prius in perſonam ſuam ſingulis diebus feſtivalibus inno-
daverat, puplice et ſolempniter iterum promulgavit, ac quoſdam hoſpites ſuos qui
cum ipſo in domo ſua voluerunt hoſpitari, excommunicavit, et ipſos cum ipſo com-
municantes coram ipſo fecit ſummoneri, in Eccleſia Omnium Sanctorum de VVy-
cumbe, et coram Cruce ſpoliari et denudari, et circa Eccleſiam illam fuſtigari.
Et poſtea literas Regias de capiendo ipſum Ricardum tanquam excommunicatum
in prædicta ſententia perſeverantem per quadraginta dies et amplius impetravit.
Ita quod idem Ricardus partes ſuas fugit, nec auſus fuit moram ibidem facere
donec remedium inde optineret per R. de Thurkelby: Et cum idem Ricardus in
extremis laboraret, mortis extrema ſenſerat, Jura Eccleſiaſtica poſtulaverat, ipſi
adminiſtrari firmiter inhibuit, et denegari. Dicit enim, quod quando corpus Lau-
rentii le Criur, qui interfectus fuerat, deferebatur in prædicta Villa de Wycumbe ad
domum ipſius Ricardi, Hugo le Criur et alii Servientes de banco, qui ibidem vene-
rant ad ſervicium mortuorum decenter peragendum, in domo prædicti Ricardi pro
prædicto mortuo, prædictus Nicholaus omnibus qui interfuerunt nunciavit, præ-
dictum Ricardum per longum tempus fuiſſe excommunicatum, et in prædicta ſen-
tentia perſeveraſſe, propter quod omnes qui ibidem convenerant ipſum reliquerunt,
et ſecum noluerunt communicare, et detulerunt corpus prædicti defuncti ad quod-
dam Hoſpitale extra Wycumbe, ad grave dampnum ipſius Ricardi, et in contemp-
tum Inhibicionis Juſtic. unde dicit quod deterioratus eſt et dampnum habet ad
valenciam Centum libarum: Et inde producit ſectam, &c.

Et Nicholaus *venit, et defendit vim et injuriam quando, &c. Et benè defendit,*
quod nunquam poſtquam vadiaſſet prædictam legem non trarit ipſum Ricardum in
placitum in Curia Chriſtianitatis, quia dicit, quod non fuit Ordinarius loci illius,
nec alicujus Ordinarii vices gerebat, nec unquam poſt excommunicavit, nec ali-

* Plac. de Termin. S. Hill. an. 45 H. 3. rot. 72. intus, Bucks.

Nota.

An. 45 H. 3. quem cum ipso commorantem, nudum circiter Ecclesiam fecit fustigari, nec aliquod breve Domini Regis impetravit de capiendo ipsum Ricardum tanquam excommunicatum, nec ipsi Ricardo in periculo mortis jacenti Jura sua denegavit, nec inhibuit denegari, nec unquam impedivit Capellanos Clericos nec Laicos celebrare servicium mortuorum pro prædicto Laurentio in domo ipsius Ricardi, si illud servicium ibidem feciſſe voluiſſent. Et de hoc ponit se super patriam. *Ideo præceptum est Vicecomiti quod venire faciat hic in octabis Sancti* Hillarii *duodecim*, &c. *per quos*, &c. *Et qui nec*, &c. *ad recognoscendum in forma prædicta*; *quia tam*, &c. *Et concessum est hinc inde.* The Verdicts and Judgements thereupon are not entred in the Plea-Rolls.

By all these premised Complaints, Suits and Attachments upon Prohibitions in the *Common Pleas* in one or two Terms, we may clearly discern; First, our Bishops, Archdeacons, Officials, and other Ecclesiastical Judges manifold encroachments upon the Rights, Prerogatives of the King, and Jurisdiction of his Temporal Courts. 2ly. Their frequent high contempts of the Kings Prohibitions issued to them. 3ly. Their intollerable oppressions, vexations of Subjects by such injurious Suits, to their great damage, enforcing them to sue to the Kings Courts for Prohibitions, Attachments, and Writs to recover their damages thereby sustained, with their manifold delayes, defaults, and contempts, in refusing to appear upon summons and Attachments against them. 4ly. Their frequent malicious Excommunications of them; and such who conversed with them, when enjoyned by the Judges to absolve them, of purpose to hinder, discourage them and others to sue for Prohibitions to restrain these their injurious usurpations. 5ly. The Kings, Judges care and readiness in that age to restrain these their Usurpations and Excommunications, by Prohibitions and Attachments against the Ecclesiastical Judges themselves, and Prosecutors of such Suits before them, by their instigation, who were for the most part Clergy-men, (as you may observe) they all combining about this time by their * *Articles* and *Constitutions*, to trample the Kings Prerogative, Courts, Judges, Officers, Laws of the Realm, and Subjects Liberties under their feet, and bring them under their Interdicts and Excommunications for issuing Prohibitions and Attachments against them.

* See here, Tom. 2. pag. 896, to 912. 983, 989, 990, 991.

Tom. 2. p. 948. l. 10. after *Westm.* insert; * *Anno gratiæ* 1261. impetrata fuit palam litera de absolutione Regis et Edwardi filii sui super juramentis præstitis, *prout diximus*: sed Edwardus illam absolutionem noluit accipere, Rege in pertinacia persistente. *Audientes Magnates Regem taliter absolutum, missis nunciis humiliter rogabant*, ut communiter præstitum juramentum inviolabiliter observare vellet, *& si quid displiceret, eisdem ostenderet ad emendandum.* Qui nequaquam acquiescens, dure et minaciter respondit, dicens; quod eis a conventione deferentibus, non amplius acquiesceret, sed unusquisque deinceps suis propriis defensionibus procederet. Hereupon *Boniface* Archbishop of *Canterbury*, and *John Maunsel* Treasurer of *York* the Popes Chaplain, by the Kings command, issued this Mandate to the Abbot of S^t. *Maries* in *York*; wherein they inserted Pope *Alexander*'s memorable Bull, dissolving, nulling all leagues and confederacies against the King by the Barons, enjoyning them *faithfully to obey and submit unto him, under pain of Excommunication of their persons, and Interdict of their lands; absolving the King from his Oath to observe the Articles of* Oxford: and admonishing *Hugh de Bygod* before sufficient witnesses to surrender the Castles of *Scardeburg* and other Forts to the King; as this Certificate of the Abbot, (which I found in the *White Tower*) will more at large inform us, and of *Hugh de Bygod*'s answer thereunto.

* Mat. Paris. Hist. Angl. p. 959.

Bundela Certif. Ann. 45 H. 3. in Turri London.

VEnerabili patri in Christo *B.* Dei gratia *Cantuariensi* Archiepiscopo, *Angliæ* Primati, & Domino *Johanni Maunsell.* Thesaurario *Ebor.* & Domini Papæ Capellano, *S.* permissione Divina Abbas S. *Mariæ Ebor.* salutem in Domino. Literas vestras undecimo Kal. *Septembris*, hora vespertina, in hæc verba recepimus. B. *Dei gratia* Cantuariensis *Archiepiscopus totius* Angliæ *Primas*, *&* J. Maunsell. *Thesaurarius* Ebor. *& Domini Papæ Capellanus*; *viro venerabili & discreto Abbati beatæ* Mariæ Ebor. *salutem in Domino: Mandatum Domini Papæ suscepimus in hæc verba*; *Alexander* Episcopus servus servorum Dei, venerabilibus patribus Archiepiscopo *Cantuariensi*, & Episcopo *Norwicensi*, & dilecto filio *Johanni Maunsell.* Thesaurario *Ebor.* Capellano nostro, salutem & Apostolicam benedictionem.

Ratio-

Rationabilibus sensibus materiam justæ admirationis impoꝛtat *securim adversus illum qui cedit in ea, vel serram contra illum qui trahit ipsam*, eos videlicet, quos potioꝛibus legitimus subministrationum oꝛdo subjecit, adversus authoꝛitatem pꝛæsidentium elevari; et Pꝛincipes, legum Dominos, quos pꝛæ suis participibus cœlestis oꝛdinatio sublimavit, pꝛemi arbitrio subditoꝛum. Propterea nos mirari cogit publicæ relationis assertio auribus nostris insinuans, quod nonnulli Barones, Pꝛoceres, Pagnates, et alii tam Clerici quam Laici regni *Angliæ*, sub pꝛætextu reformandi statum ejusdem regni, quasdam Constitutiones, Oꝛdinationes, et Colligationes charissimi in Chꝛisto filii nostri, Regis *Angliæ* illustris titulo, in diminutionem et depꝛessionem potestatis et libertatis Regiæ factas, jurejurando firmaverunt; et ab eodem Rege ac plurimis aliis dicti regni Clericis et Laicis, ut ad observationem earum suis se juramentis astringerent per quandam impꝛessionis instantiam exegerunt. Cum igitur idem Rex, quem inter cæteros Chꝛistianos Pꝛincipes fidei Chꝛistianæ sinceritas et Catholicæ devotionis integritas recommendant, non sit quoꝛumlibet depꝛimendus studiis, sed omnium favoꝛibus erigendus; nos volentes ipsius honoꝛificentiæ aliquoꝛumque pꝛovidere saluti, discretioni vestræ per Apostolica scripta districte pꝛæcipiendo mandamus, quatinus vos omnes, vel duo vestrum, aut tu (frater Archiepiscope) solus, pꝛædictos Barones, Pꝛoceres, Magnates, et alios monere attentius et efficaciter inducere studeatis, non obstantibus hujusmodi juramentis (a quibus cum non debeant esse pꝛavitatis vincula, eos alias per vos absolvi mandamus,) pꝛæfato Regi tanquam Pꝛincipi suo adhæreant fideliter et intendant, sibi debita pꝛomptæ fidelitatis et pacificæ subjectionis obsequia exhibentes; nec pꝛætextu Constitutionum, Oꝛdinationum, vel Colligationum pꝛædictarum aliquatinus impedientes eundem, quominus utatur libere pꝛistina in omnibus plenitudine Regiæ potestatis. Si vero ipsoꝛum aliqui monitis vestris adquiescere foꝛtasse renuerint, vos omnes, vel duo vestrum, vel tu (frater Archiepiscope) solus, eos cujuscunque sint conditionis et gradus vel oꝛdinis, ad id per Excommunicationis in personas, et Interdicti in terras eoꝛum sententias, remoto Appellationis obstaculo, compellatis, sicut statui dicti Regis et regni sui videritis expedire, non obstantibus aliquibus pꝛivilegiis vel indultis, generaliter vel specialiter, quibuscunque ab Apostolica sede concessis, per quæ non expꝛessa pꝛæsentibus vel totaliter non inserta, mandati nostri executio impediri valeat vel differri; seu Constitutione de duabus dietis edita in Concilio generali. Si quid autem in eisdem Constitutionibus et Oꝛdinationibus, quod absque nullo alieni juris vel pꝛivilegioꝛum, seu indultoꝛum, aut mandatoꝛum sedis Apostolicæ pꝛæjudicio, Ecclesiarum et Ecclesiasticarum personarum regni pꝛædicti favoꝛem vel commodum respiciat, continetur, id irritum volumus, vel quo ad illud Juramenta pꝛædicta nullatenus relaxari. Sic itaque sanè intelligi volumus & mandamus, quod in aliis literis nostris, quas super relaxatione Juramentoꝛum pꝛædictoꝛum et pꝛædictis Colligationibus dissolvendis concessimus, est expꝛessum, ne dum hujusmodi Juramenta, Constitutiones et Oꝛdinationes, in quantum * Ecclesiasticis utilitatibus consonant, relaxari et immutari nolumus, aliquid in illis pꝛobasse ac toleraſſe credamur, quod aut Jus lædat alterius, aut potestati nostræ seu gratiis quas Sedes memoꝛata concessit, quomodolibet adversetur. Datum *Viterbii* Non. *Maii*, Pontificatus nostri anno septimo. *Hujus igitur authoritate Mandati vobis districte & in virtute obedientiæ præcipiendo mandamus, quatinus personaliter accedentes ad* Hugonem le Bigod, *adhibitis testibus idoneis, moneatis eundem, ut Castra de* Scardeburgh. *&* Pikering. *quæ sunt Domini Regis*, eidem Domino Regi libere et absque aliqua contradictione reddat et deliberet infra quindecim dies post monitionem vestram; intimantes eidem, quod nisi vestræ paruerit monitioni, nos extunc contra ipsum per Excommunicationis et Interdicti sententias juxta foꝛmam Mandati Apostolici pꝛocedemus. *Quid autem super præmissis feceritis, & responsionem, nobis per vestras patentes literas festinanter & integraliter rescribatis; Copiam prædicti* Mandati Apostolici *præsentibus inserti, quod sub Sigillis nostris vobis transmittimus, eidem, si à vobis petierit, facientes. Datum apud* Wyndesor. 8. *die* Augusti, *anno Dom.* 1261. Noveritis igitur, nos in forma suprascripta ad dictum Dominum *H. de Bigot* personaliter accessisse, & ipsum apud *Kyrkebymoreshesd* diligenter monuisse, ut dicto Domino nostro Regi *Angliæ* H. Castra de *Scardeburg.* & *Pikering* libere et absque contradictione reddat et deliberet, juxta formam in literis vestris contentam: Qui nobis respondit; Quod de voluntate et mandato Domini Regis et suoꝛum Magnatum

An. 45 H. 3.

* Nota.

An. 45 H. 3. tum juratorum ea recepit sub juramento suo corporaliter præstito, fideliter custodienda; et nemini sine voluntate et mandato expresso dicti Domini Regis et corundem Magnatum reddenda seu deliberanda. Verum idem Dominus *H. le Bigot* profitebatur, se promptum et paratum Castra memorata dicto Domino Regi de consilio et voluntate expressa dictorum Magnatum vel saltem majoris partis eorundem restituere. Dat. apud *Hilburg*. 3. Kal. *Septembris*, anno Domini 1261.

What Jurisdiction the King then had in and exercised over his Free-Chappels, in visiting, resuming, and revoking the Lands alienated from them, this Letter of the Canons and Vicars of S^t. *Panchris* to the Kings Chancellor, complaining of and appealing against grievances done to them by *Adam Wymer*, under pretext of a concession from the King, will inform us.

Bundela Literarum in Turri London. an. 45 H. 3.

EXcellenti viro & Domino in Christo charissimo, Domino *Waltero de Merton.* Domini Regis Cancellario; devoti Clerici sui pauperes, Canonici & Vicarii Ecclesiæ de *Penchriz*, & liberæ Capellæ Domini Regis, salutem & quicquid possunt obsequii reverentiæ & honoris. Cum in necessitatibus et gravaminibus Ecclesiæ nostræ illatis ad Dominum Regem et ad suum Cancellarium habere refugium consuevimus; vestræ reverendæ Excellentiæ conquerendo duximus significandum, quod *Adam Wymer*, prætextu cujusdam procurationis Domini Regis, continentis, quod possit omnia illicite alienata et districta a liberis Capellis Domini Regis in partibus nostris revocare, et corrigere defectus quos decet Regiam dignitatem corrigere, quibusdam Possessionibus, Redditibus, et Decimis communæ Ecclesiæ nostræ intuitu charitatis, et diu possessis, ut Canonici residentes et Vicarii, dictam Communam privare præsumpsit, in depressionem et eversionem quasi totius divini obsequii in Ecclesia memorata. Facta tamen priùs inquisitione die Assumptionis beatæ Virginis per viros suspectos, nobis contra hoc reclamantibus & appellantibus, propter quam appellationem Præbendam Magistri *Ricardi de Penchriz* cepit in manum Domini Regis, quantum in se fuit. Hinc est, quod reverendæ Dominationi vestræ flexis genibus & cum qua possumus devotione supplicamus; quatinus, intuitu caritatis, literas Domini Regis nobis concedere velitis, quod, non obstante facto dictæ *Adæ* in hac parte, libera prædictorum uti valeamus possessione, sicut priùs facere consueverimus; cum fines suæ Procurationis in hoc excesserit, quod non possunt dici alienata illicitè vel distracta, quæ in propiores usus & utiliores illius Ecclesiæ sunt conversa, interveniente authoritate Decanorum Ecclesiæ; Nos verò parati sumus ipsum juvare pro posse nostro, alienata ab Ecclesia nostra revocare, pro Deo, super præmissis aliquod remedium nobis providere dignemini, & nos in orationibus Ecclesiæ nostræ vos recommendatos habebimus imperpetuum. Valeat, *&c.*

The Abbot of S^t. *Edmund's* by reason of his exemption from the Archbishop of *Canterburie's* Jurisdiction, refused to obey his commands, though for the Kings own service, in commanding his Castles to be rendred to him by their detainers; as this Letter to the Kings Chancellor will inform us.

Bundela Literarum in Turri London. W. de Merton. Canc. D. Regis, An. 45 H. 3.

AMico suo dilectissimo, Domino *W. de Mertun.* Cancellario Domini Regis, *J. Maunsell.* Thesaurario *Ebor.* salutem, *&c.* Cum Dominus Abbas Sancti *Eadmundi* prætendat se exemptum esse a jurisdictione Domini Archiepiscopi *Cantuariensis*, & eo prætextu suo renunciaret privilegio (ut dicitur) ne mandatum ejusdem Archiepiscopi sibi directum pro negotiis Domini Regis, pro Castris ejus eidem Domino reddendis, non sit executum; Discretioni vestræ significamus, quod Domino Regi aliquem non exemptum loco prædicti Abbatis pro expeditione prædicti negotii substituerit. Affectamus enim multum privilegia beati *Eadmundi* conservari illæsa. Et quia dilatio istius negotii gravaret dispendium Domino Regi, melius est quod persona mediocris substituatur ad prædictum negotium peragendum cum sic pendeat.

Thus must the Kings affairs be neglected by this exempt Abbot, for fear of violating his priviledge of exemption from the Archbishop.

Tom. 2. p. 987. l. 7. after *per se*, insert; What success the Kings Proctors at *Rome* had in revoking the Statutes made at *Oxford*, and with how much difficulty, expence and opposition of sundry Cardinals (who favoured the Barons) their revocation was procured, will appear by this Letter of *R. Lovell* (which I found in the

White

White Tower) one of the Kings Proctors sent unto him from *Viterbium*, wherein he fully relates the proceedings, not mentioned in our Historians. *An.* 45 H. 3.

* See Tom. 2. 985, 986, &c.

SEreniſſimo ac excellentiſſimo Domino ſuo, Domino *H.* Dei gratia illuſtri Regi *Angliæ*, Domino *Iberniæ*, & Duci *Aquitan.* ſuus *R. Lovell.* Clericus, & in *Romana* Curia procurator. Proſperos ſemper ad vota ſucceſſus, & ſe promptum & paratum ad ejus obſequia & mandata. Affectans & ſemper æſtuanti deſiderio concupiſcens, ut Statuta, Ordinationes, et Colligationes (quæ nonnulli Magnatum regni veſtri ſub prætextu veſtræ ſtatum excellentiæ reformandi, veſtro nomine fecerant, ac jurejurando firmarant, in manifeſtam diminutionem poteſtatis veſtræ, ac enormem depreſſionem Regiæ libertatis) in irritum penitus revocentur, et carere decernantur omni robore firmitatis; ſuper jam dicta revocatione quaſdam literas Apoſtolicas notari obtinui et groſſari; quarum copiam, licet propter inſtantiam et malitiam æmulorum et adverſariorum noſtrorum quamplurium in *Romana* Curia exiſtentium, ad effectum minime pervenirent, Serenitati veſtræ mittere non omiſi; veruntamen celanter, deſiderans, ut zelus & ſollicitudo quos erga Regiam obtineo Majeſtatem inchoatum conſequatur effectum; Quodque hi idem adverſarii ſpe, quam de ipſorum perceperunt nequitia, defraudentur; iterato ſuper revocatione præfata meliores et efficaciores litteras, quam unquam a ſede Apoſtolica obtentæ fuerint, non abſque *gravibus expenſis, necnon laboribus et anguſtiis impetravi: quas namque bullatas habeo eiſdem adverſariis renitentibus et invitis, quæ quidem quaſlibet jurgancium controverſias è medio auferentes, omnes æmulorum prædictorum inſidias, intentionem et aſſutias præ cæteris enervarunt. Cum autem eaſdem propter latoris iter præſentium ab eo valdè feſtinanter aggreſſum nondum obtinuerim duplicari, earundem tranſcriptum per latorem prædictum veſtræ dominationi ſtudui ſollicitius intimare, quas et bullatas in brevi tranſmittam Regiæ Majeſtati: per quarum nempe impetrationem, ſi veſtræ placuerit Celſitudini, excellentia Regia ad priſtinam libertatem reducta, ipſius ſtatus omnium contradicentium proceſſus intentione fruſtrata poterit plenarie reformari. Præterea Serenitati Regiæ patefiat, quod literæ, quas Magiſtri *Arlotus* et *Roſtandus* ſuper revocatione hujuſmodi et ſtatus veſtræ magnitudinis reformatione impetrarunt, quia quædam additiones et clauſulæ * in favorem Procerum et Baronum ac totius regni *Angliæ* Prælatorum; ac depreſſionem veſtræ Celſitudinis in eiſdem extiterunt inſpectæ, minus bene impetratæ fuerunt; quanquam ad impetrationem ipſarum totis viribus laborarint; quemadmodum in litteris fœlicis recordationis *Alexandri* Papæ 6. veſtra Serenitas videre poterit plenius contineri. Groſſatis quoque litteris ſuprædictis, eaſdem Dominus Papa, propter adverſariorum prædictorum nequitiam et importunam inſtantiam, ſine fratrum ſuorum conſilio nullatenus voluit expedire, quas tandem, ſicut prædixi, bullatas obtineo, licet † quamplures Cardinales Celſitudini veſtræ ſuper hoc adverſarii exiſtentes, ne ipſæ litteræ expedirentur, juxta poſſe interpoſuerunt partes ſuas. Valeat Excellentia veſtra per tempora longiora. Dat. *Viterbii* 2. Idus *Maii.*

* *Nota.*

* *Nota.*

† The Pope & Cardinals were largely bribed on both ſides, which cauſed ſuch delayes & diviſions to get new Bribes from both when they accorded.

Placita Term. S. Trinitat. *de anno* 45 Hen. 3. afford us theſe Actions for Suites in Courts Chriſtian againſt the King Prohibitions. Bedf. *Rot.* 3. *Magiſter* Rogerus de Arde attachiatus fuit *ad reſpondendum* Richardo de la Harnes *de placito*, quare tenuit placitum in Curia Chriſtianitatis de catallis et debitis quæ non ſunt, &c. contra Prohibitionem, &c. et quod ſpreta prædicta Prohibitione, &c. tenuit prædictum placitum in Curia Chriſtianitatis, ipſum de die in diem citando quouſque fecit ipſum ab ingreſſu Eccleſiæ ſuſpendi, et poſtea excommunicari. *Unde dicit*, quod deterioratur et damnum habet ad valenciam 40 ℔. *Et inde producit ſectam. Ibid.* London. Hugo Fippuet & Johannes de Haledel, *verſus* Richardum de Harewes *Canonicum Sancti* Pauli. *Rot.* 6. London. Adam de Gloceſter, *verſus Magiſtr.* Richardum de Stafford. *Rot.* 20. Northt. Johannes de Gerneby *Clericus*, attachiatus fuit *ad reſpondendum* Thomæ Corbet. *Rot.* 23. Lond. *Magiſter* Richardus de Stafford attachiatus fuit *ad reſpondendum* Adæ de Glouc. *Rot.* Suſſex. Henricus de Maloly, *verſus Magiſtr.* Walterum de Gloverne *Decanum* Cyceſtriæ. *Magiſt.* Galfridum de Gates *Archid.* Cyceſtr. & Thomam *Subdiaconum* Cyceſtriæ, were ſued for holding and proſecuting the like Suits for Chattels and Debts againſt the Kings Prohibitions.

plac. de Term. S. Trinitat. An. 45 H. 3. in Turri London.

Ibid. Rot. 3. Willielmus de Huntürn. *verſus* Johannem Trechard *Officialem Archid.*

An. 45 H. 3. *Archid.* Wynton. *de placito*, quare tenuit placitum in Curia Christian. de laico feodo prædicti Willielmi, &c. contra Prohibitionem, &c.

Ibid. Rot. 39. Robertus Swalle attachiatus fuit *ad respondend.* Roberto de Hanneworth. *de placito*, quare prosecutus est placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem, &c. *Et unde queritur quod cum traxisset eum in placitum in* Curia Christianitatis *in Comitatu* Lincolniæ *coram Magistro* Alano de ———, *petendo ab ipso sexaginta solidos, detulisset prædicto* Roberto *in crastino Sancti* Baptistæ, *anno regni Regis* Henr. 3. *quadragesimo quarto, in majori Ecclesia* Lincolniæ, Regiam Prohibitionem *ne prædictum placitum sequeretur, prædictus* Robertus Swalle spreta prædicta Regia Prohibitione secutus est idem placitum contra prædictam Prohibitionem. Ita quod primo fecit ipsum ab ingressu Ecclesiæ suspendi, et postea excommunicari. *Et unde dicit*, quod deterioratus est et dampnum habet ad valenciam 10. l. *Et inde producit sectam.*

Et Robertus Swalle *venit & defendit vim & injuriam quando*, &c. *Et benè defendit*, quod nunquam secutus est versus prædictum Robertum prædictum placitum contra Prohibitionem; *Et hoc paratus est defendere contra ipsum & sectam suam prout Curia consideraverit. Ideo consideratum est, quod vadiet legem sc.* 12. *manu, & veniat cum lege sua in Octabis Sancti* Hilarii. *Plegii de lege* Adam de Bukeler & Robertus le Blond. *Postea in Octabis Sanctæ* Trinitatis *anno* 44. *venit prædictus* Robertus de Hanneworth *& optulit se quarto die versus prædictum* Robertum Swalle, *& ipse non venit*, &c. *Et habuit diem per Essoniatorem suum ad hunc diem postquam comparuit in Curia, scilicet à die Sancti* Martini *in quindecim dies anno* 45. *& vadiat ei legem prædictam.* Ideo consideratum est, quod prædictus Robertus de Hanneworthe recuperet dampna sua 10 l. Et prædictus Robertus Swalle et plegii sui in misericordia. Et præceptum est Vicecomiti, quod de terra prædicti Roberti Swalle fieri faciat prædictos denarios, et illos habeat hic in Octabis Sancti Michaelis.

By which Record it is most apparent: 1. That the Prosecutors of such Suites in Ecclesiastical Courts whereof they have no legal conusance, shall upon conviction render full damages to the parties grieved by their prosecution, and likewise be fined and amerced to the King for the injury and contempt; *pro hoc*, quod placita quæ pertinent ad Coronam et Dignitatem Regis trahit ad alienum Forum: Yea, Judices puniantur, eo quod post Prohibitionem processerunt, et si convincuntur, Gaolæ committantur, pœna pecuniaria graviter puniantur, et ille eodem modo de quo queritur, qui hoc procuravit; as Judge * *Bracton* in that age, and these Judges in this case resolved. 2ly. That their Lands shall be extended to satisfie the damages.

* De Legibus & Consuetud. Angl. l. 5. c. 2. f. 402, 403. c. 13. f. 409, 410. See here, Tom. 2. p. 874, 875, 886.

Plac. de Term. S. Mich. an. 45 H. 3. In Turri London. Rot. 13. dorso. Kanc.

About the same year, Term. S. *Mich.* I found these ensuing Prohibitions and Attachments, (in the *Tower*,) for holding Plea of and prosecuting Suits in Courts Christian, belonging to the Kings Courts alone.

Beatrice *quæ fuit uxor* Willielmi de Faversham *optulit se quarto die versus* B. *Archiepiscopum* Cant. *quod hic haberet* Willielmum Attegore *Officialem suum*, Simonem de Sunge *Capellanum*, & Johannem de Dunstal *Clericos suos, ad respondendum eidem* B. quare prædictus W. tenuit, et prædicti Simon et Johannes secuti sunt placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem, &c. *Et ipse non venit*, &c. *Et* fuit attachiatus *per*, &c.

Ibid. Rot. 14. dorso. Dorset. Willielmus de Wyte *Offic. Archidiac.* Dorf. attach. fuit *ad respond.* Galfrido & Jacobo *de* Trowe, quare tenuit placitum in Curia Christianitatis de catallis et debitis quæ non sunt, &c. contra, &c. *Et cum idem* G. *anno* 42. *detulisset eidem Offic. Regiam Prohibitionem in Ecclesia de* Wynterburn Markminster, *ne prædictum placitum teneret*; idem Offic. spreta Prohibitione Regia tenuit idem placitum, et eos ab ingressu Ecclesiæ fecit suspendi, et postea excommunicari. *Unde dicunt*, quod per hoc deteriorati sunt, et dampnum habent ad valenciam C. s. *Et* Willielmus *venit*, &c. *Et benè defendit*, quod nunquam tenuit aliquod plac. &c. contra Prohib. Dom. Regis, *&c.*

Ibid. 35. dorso, Kanc. Hugo Yungman *opt. se* 4. *die versus* Mabell. de Ferburgh, & Henr. de Pormesden, quare secuti sunt consimile plac. *&c. Et præc. est Vic. quod distringat eos per omnes terras*, &c. *Et habeat corpora*, &c.

Idem

Idem Hugo *opt. ſe 4. die verſ.* Will. de la Gare (and five more there named,) quare tenuerunt plac. &c. de catallis et debitis quæ non ſunt, &c. *Et mandatum eſt Archiepiſcopo ſicut aliàs : qui nichil inde fecit, nec breve remiſit. Ideo*, &c. *An.* 45 H. 3.

Thomas de Burge *per*, &c. *opt. ſe*, &c. *verſus Abbatem de S.* Agath. *quare* ſecutus eſt *conſimile plac. Et ipſe non venit*, &c. Ibidem.

Gremura *quæ fuit uxor* A. de Benderton *per*, &c. *optulit ſe*, &c. *verſus Magiſtr.* Galfrid. de Gates *Archidiac.* Cyceſtr. & Gilbert. *Capellanum Eccleſiæ de* Mengelton, *quare prædict.* Galfrid. tenuit, & *prædict.* Gilb. ſecutus eſt *conſimile plac. Et ipſi non venerunt*, &c. *Et* Galfr. fecit attach. *Et mandatum eſt Epiſcopo* Cyceſtr. *quod fac.* Gilb. *venire*, &c. Ibid. Ebor. ff.

Richardus de Maunton *Perſona Eccleſiæ*, &c. *opt. ſe*, &c. *verſus* A. *Epiſc.* Linc. *quod habeat hic* Johannem *Perſonam Eccleſ. de* Undel *de plac.* quare ſecutus eſt placitum, &c. de catall. &c. quæ non ſunt de Teſtamento vel Patrimonio, contra, &c. *Et plures fecit defaltas*, &c. Ibid. rot. 60.

R. *Com.* Glouc. & Hereford. *per*, &c. *opt. ſe*, &c. *verſ. Epiſc.* Linc. *quod haberet hic Magiſtr.* Johannem *Perſonam Eccleſ.* Undel *Clericum ſuum*, *quare cum idem.* Rich. de Maunton *Clericus ipſius Com. tenet Eccleſ. de* Keſingberbery de advocatione ſua; *prædict.* Johan. *clamat eandem Eccleſiam* de advocatione Abbatis de Aquientres, *exiget ipſum* R. *de prædicta Eccleſia* in Curia Chriſt. auctoritate ordinar. contra Prohibit. Ibid. Northt.

Walterus le Wyte, &c. *Eſſon.* Simonis *fratris ipſius* Walteri *opt. ſe*, &c. *verſus* Will. atte Gore *Offic. Archidiac.* Cantuar. Turgis de Alneſted, &c. *de placito*, *quare prædict. Officialis* tenuit placitum in Curia Chriſtianitatis de catallis, &c. quæ non ſunt de Teſtament. &c. contra, &c. *Et de placito*, *quare prædictus* Turgis & *alii* ſecuti ſunt idem placitum, &c. contra, &c. *Et ipſi non venerunt*, &c. *Et præceptum fuit Vic.* &c. quod attach. eos *quod eſſent ad hunc diem*, &c. Rot. 80. Kanc.

Willielmus le Chamberlegher *opt. ſe*, &c. *verſus* E. *Epiſc.* Sarum, Rogerum de Prenleſhal *de plac. quod habet Official. Archidiaconi* Sar. *de placito*, quare idem Rog. tenuit plac. in Curia Chriſtianitat. de catallis et debitis quæ non ſunt, &c. contra Prohibit. &c. *Et ipſe non venit. Et* fuit attachiatus *per*, &c. Rot. 6. Wiltes.

Johannes de Albetoſt *opt. ſe*, &c. *verſ.* Willielmum *Epiſcopum* Bathon. *de placito*, *quod haberet hic Magiſtr.* Johannem le Ford, & *Mag.* Johannem de Axxebrigge *Clericos ſuos*, *ad reſpond. eidem* Johanni *de plac.* quare tenuerunt plac. in Curia Chriſtianitatis de catallis et debitis quæ non ſunt, &c. contra, &c. *Et ipſe non venit. Et plures fecit defalt. Ideo præcept. eſt Vic.* quod diſtringat eum per terras, &c. Rot. 23. Somerſet.

Henricus de Nokuneton *opt. ſe*, &c. *verſ. Abbatem S.* Mariæ Ebor. quare ſecutus eſt plac. in Curia Chriſtian. de catall. et deb. quæ non ſunt, &c. contra, &c. *Et ipſe non venit. Et præc. eſt Vic.* quod attach. eum, &c. Rot. 27. Ebor.

Will. de Holteb *opt. ſe*, &c. *verſ.* Godefrid. *Archiep.* Ebor. *quod haberet* Gilbert. *Priorem Eccleſ.* Omnium Sanctorum Ebor. Alanum de Sydon Vallibus *de placito*, quod dictus Gilb. tenuit plac. in Curia Chriſtianitat. de catall. &c. quæ non ſunt, &c. contra, &c. Et prædict. Alanus ſecutus eſt idem plac. *Et Archiepiſcopus non venit. Et* fuit attachiatus *per*, &c. Rot. 30. Ebor.

Philippus de Conele *opt. ſe*, &c. *verſus Epiſcopum* Lond. *quod haberet* Solomon *Perſonam Eccleſiæ de* Hildeneby, & Robertum de S. Agatha; *quare prædict.* Rob. tenuit, & *prædict.* Solomon ſecutus eſt prædict. plac. in Curia Chriſtian. de catall. &c. *Et Epiſcopus non venit. Et plures fecit defaltas. Et præceptum fuit Vic.* quod diſtringat eum per omnes terras ſuas, &c. Rot. 40. North.

Willielmus de la Chambre, &c. *opt. ſe*, &c. *verſ.* Th. de Ripton *Perſonam Eccleſiæ Sanctæ* Mariæ *de* Dunheved, & Rog. &c. *Offic. Archid.* Sarum *de placito*, de catallis et debitis quæ non ſunt, &c. et quod idem Offic. ſpreta prohibit. Dom. Regis, deſiſtere contempſit, &c. breve de attach. prædictum W. Officialis, &c. in deceptionem Curiæ Regis, pendente placito in Curia Regis, ad mandatum Epiſcopi Sarum literas Domini Regis de capiendo ipſum Willielmum impetravit, quo minus prædictum placitum, &c. poteſt ſequi, &c. *Et quia prius præceptum fuit*, &c. *de capiendo ipſum* Willielmum, *tanquam Claves Eccleſiæ contemnentem*, &c. quod non caperet, &c. quouſque plac. in prædicta Curia Dom. Regis motum fuerit terminatum. Rot. 41. Wiltes.

Johannes de Sancto Lendo *opt. ſe*, &c. *verſus Abbatem de* Kaimeſton *de plac.* quare ſecutus eſt placitum in Curia Chriſtianitatis de catallis et debitis quæ non ſunt de Teſtamento vel Patrimonio, contra Prohibitionem, &c. *Et non venit*, &c. *Unde præceptum eſt Vic. quod diſtr. eum per terras*, &c. *Ita quod habeat corpus*, &c. Ibid. rot. 62. dorſo Samerſ.

An. 46 & 47 Hen. 3. Walterus de Coleshull *optulit se 4. die versus* Th. *Personam de* Karleon *de placito*, quare secutus est plac. in Curia Christian. de catallis et debitis quæ non sunt, *&c.* contra Prohibitionem, *&c. Et ipse non venit, &c. Et ponatur per meliores pleg. quod sit, &c. Et primi, &c.*

Ibid. Norff. rot. 64. Ibid. Ebor. rot. 66. Simon de Preston *optulit se 4. die versus* Thomam de Dunington *de placito, &c. (ut supra.) Et ipse non venit, &c. Et mandatum fuit Archiepiscopo* Ebor. *quod faceret eum venire, &c. Et Archiepiscopus nichil inde fecit, &c. Ideo Vic. summon. Archid. quod sit ad prædictum termin. & ibi habeat prædictum Clericum suum.*

Ibid. Middl. rot. 69. Hamo *fil.* Constantini *opt. se, &c. versus* Johannem de Barwick *de placito*, quare tenuit plac. in Curia Christ. de catallis, *&c.* contra Prohibit. *&c. Et ipse non venit, &c. quia fecit Justic. securos de proseq. per, &c. Ideo sicut prius præceptum est Vic.* quod attach. eum, *quod sit à die* Paschæ, *&c.*

Ibid. Dorset. rot. 77. Galfridus de Trowe, *&c. opt. se, &c. vers.* E. *Episcopum* Sarum *de placito quod esset ad hunc diem, & haberet hic* Hugo. *Personam Ecclesiæ de* Brianestr. *de placito*, quare secutus est plac. *(ut supra.) Et ipse non venit, &c. Et* fuit attach. *per* N. le Tayllur, *&c. Ideo ponatur per meliores pleg. quod sit à die* Paschæ, *&c.*

All these Prohibitions, Suits abundantly evidence the many encroachments of the *Ecclesiastical Courts* upon the Kings Crown, dignity, and Subjects liberties this year.

An. 47 H. 3. Sussex. Tom. 2. p. 994. l. 2. after *August.* adde; I found this memorable Case upon an Attachment, for suing in the Spiritual Court against the Kings Prohibition, *Placita Assisarum* (in the *Tower*) *Anno* 47 H. 3. *coram* M. de Litelebery *& sociis suis, &c. Magister* Galfridus de Gates *Archidiaconus* Cycestr. *in misericordia pro pluribus defaultis versus* * Johannem de Frye. *Item Magister* Johannes attachiatus fuit *ad respondendum prædicto* Johanni *de placito*, quare tenuit placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Patrimonio, contra Prohibitionem, *&c. Et quare idem Archidiaconus simul cum* Bartholomæo *Vicario de* Billinghurst, pendente prædicto placito in Curia Regis coram Justiciariis apud Westm. in deceptionem Curiæ Regis, ad mandatum Johan. Episcopi Cicestr. litteras Regis Vicecomiti Sussex. directas, de capiendo prædictum Johannem tanquam in excommunicatione contumaciter perseverantem impetraverit: *Et unde predictus* Johannes *queritur, quod cum quidem* Bartholomæus *Vicarius de* Billinghurst *implacitasset ipsum coram prædicto Magistro* Galfrido in Curia Christianitatis in Ecclesia Cathedrali Cycestr. exigendo ab eo unum denarium de annuo redditu de laico tenemento ipsius Johannis in Billinghurst, *& idem* Johannes *die Jovis proximo post festum Sancti* Martini *anno quadragesimo sexto*, detulisset ei litteras Domini Regis de Prohibitione in prædicta Ecclesia Lycestr. ne prædictum placitum teneret: Idem Galfridus spreta Prohibit. prædicta, tenuit prædictum plac. inter eos, et ipsum suspendi fecit et excommunicari; et postea in deceptionem Curiæ Domini Regis, pendente prædicto placito coram prædictis Justiciariis apud Westm. impetravit breve Domini Regis de capiendo ipsum, contra Coronam et dignitatem Regis; *Unde dicit*, quod deterioratus est et dampnum habet ad valentiam 40. marc. *&c.*

* See f. 115. b.

Et Magister Galfridus *venit & defendit vim & injuriam quando, &c. & quicquid est contra Coronam, &c. Et benè cognoscit*, quod ipse tenuit prædictum placitum, et de catallis quæ mere pertinent ad spiritualitatem. Quia dicit quod consuetudo Billinghurst talis est, quod illi qui panem benedictum dant diebus Dominicis, offerunt cum pane benedicto unum denarium, vel unam candelam de valore unius denarii: Et quia prædictus Johannes detinuit oblationem illam de denario, et de candela offerenda cum pane benedicto sicut prædictum est; quelus sit prædictus Vicarius ipsi tanquam Archidiacono suo, et ipse tanquam Ordinarius tenuit inde placitum inter eos, ut de oblatione, mere pertinente ad spiritualitatem. Et de impetratione brevis Domini Regis de capiendo ipsum Johannem dicit, quod prædictum breve nunquam impetratum fuit per ipsum, nec ipse Johannes unquam per breve illud captus fuit nec imprisonatus.

Et Johannes *dicit*, quod nec ipse nec pater suus unquam aliquem denarium obtulerunt cum pane benedicto, nec aliquam candelam; nec aliquis parochianus de parochia de Billinghurst hujusmodi oblationem dat, nisi fuerit ex voluntate sua, et non aliquo jure, vel aliqua * consideratione antiqua. *Et petit quod hoc inquiratur. Postea, quia prædictus* Johannes *non potest ostendere*, quod prædictum breve de capiendo ipsum impetratum fuit per prædictum Archidiaconum; nec ipse unquam per breve illud captus vel imprisonatus fuit, consideratum est, quod idem Archidiaconus

* Consuetudine.

quod

quoad hæc sine die. Et similiter quia idem Johannes non potest ostendere quod idem Archidiaconus tenuit aliquod placitum de aliquo laico tenemento suo, nec de aliquibus debitis vel catallis nisi tantummodo de prædicta Oblatione, quæ mere pertinet ad spiritualitatem, et quod placitum in Curia Regis non potest nec debet terminari, consideratum est, quod prædictus Archidiaconus inde sine die; et Johannes in misericordia pro falso clamore. *An.* 46 & 47 Hen. 3.

Among *Placita coram* N. de Turre, W. Bonquer *& sociis suis Justic. Itin. apud* Canter. *sub octabis Sancti* Martini *Term.* S. Mich. *anno* 47 H. 3. I met with these Prohibitions and Attachments for Suites in Courts Christian. *Rot.* 9. Adam Gutra *versus Magistr.* Radulphum de Mertune *de placito*, quare secutus est placitum in Curia Christianitatis de catallis et debitis quæ non sunt, *&c.* contra Prohibitionem, *&c. Consimile Rot.* 10. Hereford. Adam de Averil *versus Priorem de* Hurle. *Consim.* Bedf. Hugo de Turpa *&* Margareta *uxor ejus, versus* Walterum *Priorem de* Caldewelle *de placito, quod cum idem Prior in Curia Domini Regis coram Justiciariis suis Itinerantibus apud* Bedford. attachiatus fuerit, *ad respondendum prædictis* Hugoni de Turpa *&* Margaretæ *uxori ejus de placito*, quare tenuit placitum in Curia Christianitatis de medietate advocationis Capellæ de Hyntone, contra Prohibitionem Domini Regis. *Idem Prior venit in eadem Curia Domini Regis coram prædictis Justiciariis, & vadiat legem se duodecima manu*, quod contra prædictam Prohibitionem non venit, nec post eam prædictum placitum tenuit contra legem præfatis Justiciariis factam. *Et consideratum fuit in eadem Curia, &c. Et quod prædictus Prior inde esset sine die, & prædicti* Hugo *&* Margareta *in misericordia.* Et postea prohibitum fuit per eosdem Justiciarios Domini Regis prædicto Priori, ne de cætero teneret prædictum placitum. Idem Prior spreta Prohibitione Domini Regis, et in contemptu Justiciariorum et Curiæ Domini Regis idem placitum per se et Commissarios suos nihilominus tenuit, ad manifestam prædictorum Hugonis et Margaretæ exhæredationem et injuriam, *ut dicunt. Et ipse non venit*, &c. *Et præceptum fuit Vic. quod haberet ipsum ad hunc diem*, &c. Plac. de Termino S. Mich. an. 46 & 47 H. 3. in Turri London. Rot. 10.

Tom. 2. p. 994. l. 20. after *Januarii*, adde; I finde that this * *John Gernsey* Bishop of *Winchester* after his Simonaical, costly Consecration at, and return from *Rome* into *England*, before his entry into his Cathedral, where he expected the Kings presence at his Installment; was summoned to meet him at *Canterbury*, and to go thence with him to *Dover:* which he excused by this Original Letter to him; which I found in the *White Tower.* *An.* 47 H. 3.

* See Godwins Catalogue of Bishops, p. 277.

EXcellentissimo Principi & Domino suo reverendo, *H.* Dei gratia illustri Regi *Angliæ*, Domino *Hyberniæ*, Duci *Aquitaniæ*; suus *J.* ejusdem miseratione *Wynt.* Ecclesiæ Minister humilis, salutem, & se ipsum cum omni reverentia & honorem. De adventu vestro in *Angliam*, quem sitibundis affectibus jamdudum expectavimus, grates Altissimo referimus copiosas: verùm Regalis Celsitudinis vestræ literas die *Sabbati* prox. ante Natale Domini, dieque Dominica in ejusdem Vigil. diversis tamen nunciis eodem recepimus sub tenore, quod *Festum Natale* prædict. vobiscum celebraremus *Cantuar.* vobisque ad mare usque ad *Dover.* occursuri; ad quæ tam loci distantia, quod temporis brevitate nos jam impossibiles effici satis liquet, ingressu etiam in Ecclesia nostra Cathedrali *Wynton.* dudum disposito et parato, quem Regalis Majestatis præsentia præstolata diutius credidimus illustrari, prout ore tenus vestræ Dominationi nos *Paris.* exposuisse meminimus: in quibus nostram impotentiam non voluntariam, sed potius necessariam, Regali excellentiæ habere placeat excusatam; pro quo Magistrum *Petrum de Exon.* Nepotem nostrum Majestati Regiæ destinamus, pro sollemni gerentes tripudio si nobis per eundem vestræ prosperitatis eventus sanitate comite nuncietur, una cum vestræ beneplacito voluntatis, ad quod paratos nos & meritò promptos pro viribus profitemur. Cæterum de statu nostro, & Ecclesiæ nostræ, quam multis prosecutionum procellis invenimus conquassatam, ordinato & disposito, sub celeritate qua poterit post Festum memoratam gressus nostros versus vos, annuente Domino, quam citius dirigemus. Excellentiam vestram conservet Altissimus utinam per diuturna tempora prosperè regnaturam. Datum *Wyntoniæ* in Vigil. *Nativitatis*; &c. Ex Bundela Literarum de an. 47 H. 3. in Turri Lond.

About the same time he being complained of to the King by *P. de Sancta Maria* the Kings great favourite; for molesting him in the Archdeaconry of *Surry* and other

An. 47 H. 3. Benefices in his Dioceſs, he thereupon ſent this Epiſtle to the King; denying the truth of his ſuggeſtions, and beſeeching him not to credit it, till he had heard and ſpoken with him.

Bundela Literarum in Turri London. An. 47 H. 3.

EXcellentiſſimo Principi ac Domino reverendo, Domino *H.* Dei gratia illuſtri Regi *Angliæ*, &c. ſuus *F.* miſeratione Divina *Wynton.* Eccleſiæ Miniſter humilis, ſalutem, cum omni reverentia & honore Majeſtatis veſtræ. Literis nuper nobis directis intellexímus, quod nos Magiſtro *P. de Sancta Maria*, ſuper Archid. *Surr.* ac aliis quibuſdam beneficiis in noſtro ſitis Dioc. moleſtiam intulimus et gravamen, prout reverendæ veſtræ Dominationi ipſum accepimus ſuggeſiſſe, quod nunquam noſtræ fuit intentionis, ſicut nec eſſe debuit, ne dum ſibi quem favoz Regal. in dilectionis amplexum comperimus ſuſcepiſſe; ſed nec unquam cum ſcrupulo conſcientiæ gravamen inferre ſeu moleſtiam. Veſtræ Celſitudini quanta poſſumus precum inſtantia devotiſſimè ſupplicamus, quatinus ſi placet, prædicti Magiſtri ſuggeſtionem ſeu relatum, cum nondum ex parte noſtra coram *V. K.* comparuerit reſponſalis, ut veracem nullatenus admittatis, quoniam ſi in aliquo contra eundem Magiſtrum injuſtè proceſſerimus, parati ſumus, expoſitis pzius Regali excellentiæ exponendis manum apponere cozrectricem, pzo quo finaliter pzoſequendo pzoponimus, Deo dante, citra diem *Lunæ* pzoximam cum Majeſtate veſtra Regia habere colloquium perſonale. Excellentiam veſtram per diuturna tempora proſperet Altiſſimus & conſervet. Dat. *Cant.* 5. Kal. *Junii*, anno Domini 1263.

Tom. 2. p. 996. l. 5. after *&c.* adde; King *Henry* the 3d. being higly offended with *William Bolton* Biſhop of *Bath* and *Wells* for ſuing the Abbot and Covent of *Glaſtonbury* in the Court of *Rome*, againſt his promiſe and prohibition, for Freeholds and Advowſons, to the prejudice of his Crown and Dignity; for which his Temporalties and goods were ſeiſed by the Kings Officers: upon the Popes and his Cardinals requeſts (who favoured the Biſhops cauſe, which he fairly propounded before the then Archbiſhop of *Canterbury*, Biſhop elect of *Salisbury*, Abbot of *Weſtminſter*, and another then at the Popes Court) they writ this Letter to the King on the Biſhops behalf; which I found in the *White Tower*, defaced in ſome words and lines.

Fundela Literarum in Turri London an. 47 H. 3.

EXcellentiſſimo Domino *H.* Dei gratia Regi *Angliæ* illuſtri, Domino *Iberniæ*, Duci *Aquitanniæ*, & Comiti *Andegaviæ*; *B. Cantuarienſis* Archiepiſcopus, *E. Saresbarienſis* Electus, Abbas *Weſtmonaſterienſis*, & Magiſter ——————, obſequium ——————— intelligimus, tanto illa vobis libentius ſuademus, quæ juſtitiam ſapere, ac æquitatem continere ſentimus. Sanè ——————— quæ ipſius ac *Bathon. & Well.* Eccleſiarum non tangunt negotium, inter alios fideles noſtros apud ——————— & honoris Regii zelator exiſtit, ac ſuum & Eccleſiarum ipſarum negotium cozam Domino Papa et fratribus honeſte pzopoſuit ——————— in quantum potuit reverenter. Verum idem Dominus Papa et fratres pzædicti ſuper his pzo quibus idem Epiſcopus venit ad Curiam, pzoponunt ——————— exhibere plenarie juſtitiæ complementum. Nos itaque attendentes, quod pertinet ad Regiæ dignitatis honozem, ut idem Epiſcopus per nos ——————— conſervetur, interpoſuimus partes noſtras quod pzædicto placeret Epiſcopo a nobis recipere quod de rigoze juris debebat et poterat obtinere, qui nobis benignius annuit in hac parte, intendens (ſalvo jure ſuo et Eccleſiarum ſuarum in quantum poterit) Celſitudini Regali deferre. Quocirca de ſpeciali pzæcepto Domini Papæ et fratrum ſuozum ſerenitatem Regiam exozamus, quatinus diligenter conſiderantes, quam ſpecialiter idem Dominus Papa et fratres pzo eodem Epiſcopo nobis dirigunt ſcripta ſua, et quod dictus Epiſcopus inter alios Pzælatos *Angliæ* vobis ſemper devotus extitit, et in veſtris et veſtrozum negotiis fideliter labozavit, injurias et gravamina, ſi quæ fuerint a Juſticiariis et Ballivis Regiis Epiſcopo pzædicto illata, ſine difficultate qualibet revocari faciat Regia magnitudo. Nec ipſum ſi ——————— contra juſtitiam aliquatenus moleſtetis, nec permittatis ab aliis (quantum in vobis fuerit) moleſtari; ſed ei potius exhibeatis vos in Regio favore munificum, & in cunctis opportunitatibus gratioſum: ita quod idem Epiſcopus et alii ejus exemplo ad fideliter obſequendum vobis fozvius animentur; ac vobis pzæter divinæ retributionis pzæmium, ab eodem Domino Papa et fratribus pzædictis, qui hoc gratum

gratum habebunt plurimum et acceptum, exinde debita perveniat actio gratiarum. Nec nos pro ipso Episcopo ita affectuose scriberemus, nisi quia evidenter probavimus ipsum in vestris negotiis providum, &c. ——— Datum *Anagnini*, die Dominica ante festum Beati *Dionysii*. *An.* 47, 48 & 49 H. 3.

Anno 48 H. 3. I met with a Bundle of Certificates of Excommunications, Elections, and Proxies from Bishops and others, in the *White Tower*, (where are many such during his reign;) out of which I shall present you with three usual forms of *Significavits* and Certificates of *Excommunications* then and since in use, evidencing their inability to redress any Ecclesiastical abuses without the Kings Soveraign power and assistance: and one *Letter* of *Attorny* by the Abbot of *Ramsey*, then sick, appointing another to appear for him in a Great Council of the Nobles, to which he was summoned. *An.* 48 H 3.

Bundela Certif. &c. an. 48 H. 3. In Turri London.

SEreniſſimo Domino ſuo *H.* Dei gratia Regi *Angl.* &c. *J. Winton.* Epiſcopus, ſalutem, *&c.* Cum quidam maledictionis filii in Eccleſias de *Brerdinges* & de *Lyngefeld* ſe temeritate propria intrudentes, ipſas manu armata detineant occupatas; Decimas ad eos ſpectantes colligant, et ſe de aliis ſpiritualibus intromittant, nec poſſint per cenſuram Eccleſiaſticam ſuper hoc coerceri; Serenitatem Regiam attentius duximus exorandam, quatenus eos a Sacrilegio prædicto compeſcere et revocare dignemini per datam a Domino vobis Regiam poteſtatem, ſeculare contra eos brachium extendendo. Conſervet, *&c.* Dat. *London.* 2. Non. *Auguſti.* Anno Domini 1264.

Ibidem.

EIdem Regi *H.* &c. *Carleol.* Epiſcopus, ſalutem. Excellentiæ veſtræ notum facimus, quod *Adam de Gurp*, noſtræ Dioceſis, ob ſuam contumaciam manifeſtam Excommunicationis ſententia innodatus, per quadraginta dies et amplius perſiſtit contumaciter in eodem, claves Eccleſiæ contemnendo. Quocirca Excellentiam veſtram humiliter ſupplicamus, quatinus ad tantam ipſius inſolentiam reprimendam, veſtræ Majeſtatis brachium juxta conſuetudinem regni veſtri, Dei et Eccleſiæ intuitu, apponere dignemini cum effectu. Conſervet, *&c.* Dat. *London.* Kal. *Julii.* Anno ut ſupra.

Ibidem.

EIdem Regi, *&c. W. Exonienſis* Epiſcopus, ſalutem. Cum *Willielmus le Botyler* Laicus de Comitatu *Devon.* pro ejus contumacia & offenſa manifeſtâ, excommunicationis ſententiâ per nos meruerit innodari, juſtitia exigente, et in eadem per quadraginta dies et amplius perſeverans, claves Eccleſiæ pertinaciter contemnendo, ad Eccleſiaſticam non curat redire veritatem; ne ovis morbida totum gregem Dominicum inficiat, Dominationem veſtram requirimus et rogamus, quatinus talem contumaciam per potentiam Regiæ Majeſtatis, ſecundum Regni veſtri conſuetudinem, a ſua pertinacia revocare dignemini; ut quem timor Dei ab errore non revocat, brachium coerceat ſeculare. Valeat, *&c.* Dat. *London.* die *Martii* proximo poſt feſtum Apoſtolorum *Petri* & *Pauli.* Anno ut ſupra.

Ibidem.

EIdem Regi, *&c. H.* permiſſione Divina *Rameſ.* Eccleſiæ Miniſter humilis, ſalutem, *&c.* Quoniam gravi ægritudine & nimia debilitate corporis laborantes, in lecto detenti, in craſtino S. *Trinitatis* apud *London.* eſſe non valemus, ſuper quo multum dolemus, idcirco dilectos nobis in Chriſto, fratrem *W.* Sacriſtam noſtram, & Dominum *Willielmum Camberlan.* Seneſcallum noſtrum ſub alternatione Attornatos noſtros conſtituimus, ad conſentiendum, vice noſtra, Magnatum tunc ibidem præſentium conſilio, et ad faciendum ea, quæ veſtram Regiam dignitatem et Regni veſtri utilitatem tangunt et pacem. Veſtræ Regiæ Majeſtati devotè ſupplicantes, quatinus Divinæ pietatis & humanæ fragilitatis intuitu, noſtros prædictos Attornatos loco noſtro admittentes, abſentiam noſtram involuntariam habere dignemini excuſatam. Valeat, *&c.*

Anno 49 H. 3. The Dean and Chapter of *Akaden* in *Ireland* upon the death of their former, made this Certificate thereof, and petition to the King for the Election of a new Biſhop; extant in a Bundle of Certificates and Petitions in the *White Tower.* *An.* 49 H. 3.

Bundela Certif. & Petic. an 49 H. 3. in Turri Lond.

EXcellentiſſimo Domino *H.* Dei gratia illuſtri Regi *Angliæ*, ſui fideles oratores Decanus & Capitulum *Akadenſ.* ſalutem, *&c.* Veſtræ Excellentiæ Majeſtatem latere nolumus nec debemus, Eccleſiam noſtram per mortem venerabilis patris *Thomæ* ejuſdem Eccleſiæ Epiſcopi nunc eſſe Paſtoris ſolatio deſtitutam. Quare veſtræ

An. 49 & 50 Hen. 3. vestræ Regiæ Majestatis Excellentiam nobis omnibus quibus possumus flagitamus, quatinus per latorem præsentium *Maur.* Clericum, nostrum fidelem Nuncium, vestrum Regium assensum pariter et consensum nobis ad eligendum Pastorem impendatis. Tantum inde facientes, ne præfata Ecclesia patiatur, &c. Dat. apud *Abiden.* Ecclesiam crastino S. *Trinitatis*, Anno 1265.

Ibidem. EXcellentissimo Domino *H.* Dei gratia illustri Regi *Angliæ*, suus fidelis *Odo Okonchubyr* Rex *Connaci.* salutem, & in omnibus victoriam. Vestræ Regiæ Majestatis excellentiam exoramus modis quibus possumus, quatinus Decano & Capitulo *Akaden.* (ipsa per mortem venerablis patris Domini *T.* ejusdem Ecclesiæ Episcopi, vacante) vestrum consensum pariter et assensum per nuncium eorundem ad eligendum Pastorem vultu sereno et favorabili, si placet, impendatis. Tantum inde facientes, ne præfata Ecclesia (quæ ad præsens ultra viginti marcarum summam in redditibus non abundat,) propter retardationem Regii assensus (quos absit) in temporalibus vel spiritualibus patiatur. In cujus petitionis testimonium has literas nostras vestræ Majestati Regiæ mittimus patentes. Dat. anno regni Regis *H.* 49.

Ibidem. EXcellentissimo, *&c. H.* Regi *Angl.* &c. *M.* Decanus, & totum Capitulum *Elfinen.* Ecclesiæ, salutem & orationes. Quia per mortem venerabilis patris nostri, Domini *Thomæ* bonæ memoriæ *Elfinen.* Episcopi, Ecclesia nostra Pastoris solatio noscitur esse destituta. Ideo vestram Regiam Majestatem humiliter duximus exorandam, quatinus per latorem præsentium providendi Ecclesiam *Elfinen.* de Pastore idoneo nobis de solita vestræ Majestatis benignitate, tribuere dignemini; ne per defectum Pastoris Ecclesia nostra *Elfin.* in spiritualibus et temporalibus detrimentum patiatur. Valeat, *&c.*

Ibidem. EXcellentissimo, *&c.* (*ut supra.*) *R.* miseratione Divina *Menevен.* Ecclesiæ minister humilis, salutem, *&c.* Pro dilectis filiis Canonicis S. *Johannis de Karmerdyn* vestræ Magnificentiæ, quanta decet devotione, duximus supplicandum, quatenus memoratis Canonicis ad vos pro negotio electionis suæ venientibus, quibus iterato ad vos veniendi tutus propter hostilitatem non patet accessus, quibus etiam propter destructionem domus suæ ad viatica et sumptus non sufficiunt sine magno incommodo facultates, concedere velitis quod post electionem celebratam, electioni ipsorum ac Electo, Wallivus vester de *Kermerdyn* vice vestra præbeat assensum. Valeat, *&c.*

Ad eundem effectum ad Regem mittuntur literæ Canonicorum Prioratus de *Kermerdyn.* Dat. die *Lunæ* prox. post festum S. *Valentini*, anno Domini 1265.

Plac. de Term. Paschæ, anno 49 H. 3. in Turri Lond. Tom. 2. p. 1012. l. 45. after *ut supra*, insert; The decayed *Placita apud* Westm. (in the *Tower*) *coram* Gilberto de Preston, *&c.* Johanne de Wyvil. *Justic. de Term.* Pasch. *anno regni Regis* Henrici *fil. Regis* Johannis 49. furnish us with these Suites and Attachments for holding and prosecuting Pleas in Courts Christian against the Kings Prohibitions, which I shall but name. *Linc.* Johannes *fil.* Nicholai de Junthely, *per Attornatum*, &c. brought an Action, *versus* Galfridum de Hekinton *Decanum de* Stafford. and others, *de placito*, quare prædict. Galfr. tenuit placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Patrimonio, contra Prohibitionem, *&c.* Adam Rueril brought the like, *versus Priorem de* Hurle: *Idem contra Magistr.* Radulfum de Malawe. Norf. Willielmus de Wygenhal, the like, *versus* Simonem *Abbatem S.* Edmundi, & Robertum *Priorem S.* Edmundi. Berkf. *Abbas & Conventus de* Messenden, the like, *versus* Aluredem *Priorem de* Rading, *&c.* quare tenuerunt, & *versus* Will. de Englefend, quare secutus est idem placitum in eadem Curia, contra Prohibitionem, &c.

An. 50 H. 3. In a Bundle of Certificates and Petitions by Bishops and others to the King in the *White Tower*, Anno 50 *H.* 3. I met with these three forms of Certificates made to the King of Lay-forces held in Churches, praying a Writ *De vi laica amovenda*, by his secular Court and power in ayd of the Church; evidencing the Kings Soveraign authority in all Church affairs.

Bundela Certif. & Petic. an. 50 H. 3. in Turri London. EXcellentissimo Domino suo *H.* Dei gratia Regi *Anglia* illustri, *&c. R.* ejusdem permissione *Coventr.* & *Lychfeld.* Ecclesiarum Minister humilis, salutem & successus ad vota prosperos jugiter & fœlices. Ex virginis thalamo procedens in orbem terrarum Dominus Jesus Christus amore spirituali sacrosanctam Ecclesiam in sponsam

ſponſam ſibi non ſtreno copulavit, nec bruti cujuſpiam animalis ſed proprio, dum in Crucis penderet patibulo, ſanguine conſecratam. Hæc ſiquidem tam ſancta, tam cunctis orthodoxæ fidei zelatoribus veneranda, noſtris ſeculis adeo vilipenditur, quod ſuſpiriosis ululatibus eſt lugendum, ut audacia nonnulli præſumptuoſa et audaci præſumptione in ipſam ſe intrudant laica poteſtate; ſtatum ipſius irreverenter evertentes, Eccleſiaſticaſque libertates armatis viribus in ſponſi contumeliam et opprobrium multipliciter deprimentes. Sane Regia Majeſtas, ad Chriſti laudem et reverentiam, injurias Eccleſiæ tanquam proprias, fervida zelatrix fidei, proſequens et ulciſcens, materialis mucronem gladii contra præſumptores hujuſmodi totiens ad compeſcendam ipſorum inſolentiam acuit et exercet, quotiens ob neceſſitatem vel utilitatem Eccleſiæ requiritur a Prælatis. Cum igitur in Eccleſiam de *Sandeacr.* noſtræ Dioceſis, quidam ſe laici, non ſine gravi libertatis Eccleſiaſticæ ſubverſione, violenter intruſerunt, ac eam in præſentiarum auſu ſacrilego vi laica detineant occupatam; veſtram excellentiam obnixe requirimus et rogamus, quatinus ad amovendam inde vim præfatam, auxilii veſtri velitis dextram extendere cum effectu. Valeat, *&c.* Datum *Heywod.* Non. *Auguſti*, anno Dom. 1266. *An.* 50 & 52 Hen. 3.

EXcellentiſſimo Domino ſuo, Domino *H.* Dei gratia Regi *Angl.* illuſtri; *R.* miſeratione divina Eccleſiæ *Dunelmenſis* Miniſter humilis, ſalutem in eo, per quem Reges regnant & regna ſubſiſtunt. Nuper inter Suppriorem & Conventum de *Brettona*, ex parte unâ; Priorem & Conventum de *Pontefracto*, & *Adam de Norhampton* Monachum, pro Priore de *Brettona* ſe gerentem ſuper variis quæſtionum articulis, ex alterâ, coram ſummo Pontifice quæſtione ſuborta, tandem memorati Subprior et Conventus de *Bretton.* pro ſe obtinuerunt ſententiam diffinitivam, et ipſius executionem venerabili in Chriſto patri Domino *Wiptonienſi* Epiſcopo et nobis ſub alternatione demandari, inter cætera continentem; *Quod dictum* Adam *& cæteros Monachos de* Pontefracto, *apud* Bretton. *exiſtentes*, amoveri debeamus; *Monachoſque de* Bretton. *qui per prædictos Priorem & Conventum* Pontefracti *à Monaſterio de* Bretton. *ejecti ſunt violenter*, priſtinæ debeamus reſtituere libertati. *Cum itaque propter* vim laicam, quam Prior, Conventus de Pontefracto, et Adam ſæpefati in Monaſterio de Bretton. obtinent, Mandatum Apoſtolicum adimplere, ut tenemur, et exequi non valemus, Excellentiam veſtram ſupplicter exoramus, quatinus ad honorem Dei, et ob reverentiam ſummi Pontificis, cujus vices gerimus in hac parte, jubere velitis, ut per Vicecom. Ebor. vis removeatur antedicta. Datum apud *Middilham* 13 Kalend. *Julii*, anno ut ſupra. Ibid. an. 50. H. 3. in Turri London.

SEreniſſimo Domino ſuo *H.* Dei gratia Regi *Angliæ* illuſtri, *&c. W.* permiſſione ejuſdem *Bathon. & Well.* Eccleſiarum Miniſter humilis, ſalutem in eo qui Regibus dat regnare. Quia *Henricus le Gant* Magiſter Domus S. *Martini Briſtoll.* Eccleſiæ de *Kantokeſheved* noſtræ Dioceſis vim et poteſtatem jam tantam apposuerit laicorum, quod debitam officium in eadem propter hujuſmodi laicos exequi non valemus, Dominationi veſtræ cum inſtantia ſupplicamus, quatinus contra inſolentiam dictorum laicorum, noſtram juriſdictionem et officium in hac parte, quod veſtrum eſt, exequamini, ſecundum quod regni veſtri exposcit conſuetudo. Ibidem.

Tom. 2. p. 1038. l. 1. before *The King*, inſert; King *Henry* by his Royal Prerogative to preſerve the Peace and Liberty of the Vice-Chancellor and Scholars of the Univerſity of *Oxford*, againſt the injuries and exactions of the Townſ-men, ratified this former compoſition made between them by his Royal Charter, which I ſhall here preſent you with, for the honour of my Nurſing Mother. *An.* 52 H.

REX omnibus Ballivis ſuis, ſalutem. Inſpeximus literas patentes dudum confectas apud *Wodeſtok* in præſentia Procuratorum Scholarium Univerſitatis *Oxon.* et Burgenſium ejuſdem Villæ ſuper quibuſdam libertatibus præfatis Scholaribus conceſſis, in hæc verba: *Anno regni Regis* Henrici *filii Regis* Johannis *tricesimo ſecundo, viceſimo nono die* Maii, præſentibus apud Wodeſtok tam Procuratoribus Scholarum Univerſitatis, quam Burgenſium Oxoniæ; idem Dominus Rex conceſſit eiſdem Scholaribus Libertates ſubſcriptas, *videlicet*, Quod ſi inferatur injuria ipſis Scholaribus, fiat inde Inquiſitio tam per Villatas vicinas, quam per Burgenſes prædictos. Et quod ſi ipſi Burgenſes interficiant aliquem de Scholaribus *Oxon.* vel in aliquem ipſorum inſultum faciant, vel alicui ipſorum, vel in aliquem ipſorum Cart. An. 52 H. 3. m. 6. dorſ. Pro Scolaribus Oxon. *See here, pag. 90, 91.

An. 52 & 53 Hen. 3.

ipsorum gravem injuriam inferant; Communitas ejusdem Villæ per se puniatur et amercietur, et Ballivi per se, et non cum Communitate eadem puniantur et amercientur, si negligentes fuerint, vel dolum fecerint in exequendo officium suum contra illos qui hujusmodi injurias prædictis Scholaribus inferunt. Et quod *Judæi Oxonienses* non recipiant a Scholaribus prædictis pro libra in septimana nisi duos Denarios; et similiter fiat in minori forma secundum quantitudinem; alioquin *Judæi* puniantur secundum constitutionem regni. Et quod quotiescunque & quandocunque Major & Ballivi *Oxoniæ* Sacramentum fidelitatis suæ præstabunt in loco suo communi, Communitas ejusdem Villæ denunciet Cancellario Universitatis, Ut per se vel per aliquas electas personas præstationi Juramenti prædicti, si voluerit, intersit. Quod quidem Juramentum tale erit, quoad Scholares prædictos, videlicet; Quod ipsi Major et Ballivi conservabunt Libertates et Consuetudines Universitatis prædictæ; alioquin non valeat Juramentum ipsorum; sed interim præstetur secundum formam præscriptam; Si vero Cancellarius, nec per Procuratorem interesse voluerit, ad Juramentum nihilominus procedatur. Et quod duo Aldermanni sint electi & deputati de illis, qui pro tempore fuerint, secundum quod ordinati erant de Domino *W. de Eborum* ad exhibendam justitiam cum præpositi abfuerint, sub eadem pœna quâ præpositi tenentur, si negligentes vel malitiosi inveniantur. Et quod quilibet Burgensis *Oxoniæ* pro familia sua respondeat; Ita quod si aliquis de familia sua mortem vel gravem injuriam alicui Clerico vel suis inferet, Malefactorem exhibeat idem Burgensis, ut fiat de eo justitia; alioquin incurrigabitur pœna secundum consuetudinem regni. Et quod quotienscunque debeat fieri temptatio panis et cervisiæ ab eisdem Burgensibus, præcedenti die denuncietur Cancellario et Procuratoribus Universitatis prædictæ; Ut si per se vel per aliquos ad hoc deputatos per ipsos (si voluerint) intersint temptationi prædictæ; Alioquin non valeat ipsa temptatio. Si vero dicti Cancellarius et Procuratores Universitatis per se vel per suos interesse noluerint, ad prædictam temptationem nihilominus procedatur. In quorum omnium testimonium Dominus *Radulfus* filius *Nicholai* Senescalli Domini Regis, ad præceptum ejusdem Domini Regis huic scripto sigillum suum apposuit. Eodem Domino Rege per literas suas mandante Vicecomiti, Majori et Ballivis *Oxoniæ*, ut prædictas Libertates inviolabiliter observent et faciant observari; Quas etiam idem Dominus Rex fecit irrotulari, anno regni sui 33. Nos autem prædictam concessionem prædictis Scholaribus super præfatis libertatibus de præcepto nostro factam (ut prædictum est) ratam habentes et gratam, eam præsentibus litteris nostris patentibus Scholaribus antedictis concedimus, et sigilli nostri munimine roboramus. Teste Rege apud *Woodestok* 21. die *Junii*, anno regni nostri 52.

Nota.

What Pensions the King granted to *Romish* Cardinals to promote his affairs, and how carefull he was to satisfie their arrears out of the Dismes granted to him, this Patent will inform us.

Pat. 52 H. 3. m. 25. intus. pro R. Sancti Angeli Diacono Cardinali.

REX venerabili in Christo *O.* Dei gratia Sancti *Adriani*, &c. salutem. Cum teneamur venerabili patri *R.* Sancti *Angeli* Diacono Cardinali in trecentis marcis de arreragiis annui feodi sui triginta marcarum, quod ei dudum concessimus percipiend. ad Scaccarium nostrum; quas sibi de Decima nobis concessa in Provincia *Cant.* de Termino S. *Michaelis* prox. adventuro persolvi volumus: vos rogamus quatinus eidem Cardinali vel certo suo Attornato de prædict. trecentis marcis de Decima prædicta satisfieri faciatis in forma suprædicta. Nos enim in Decima prædicta eandem pecuniam volumus allocari. In cujus, *&c.* Teste, *&c.*

An. 53 H. 3.

Tom. 2. p. 1047. l. 49. after *Aprilis*, adde; In the Plea-Rolls in the *Tower*, *Anno* 53 H. 3. I finde these Suites and Attachments against the holders and prosecutors of Suites in Courts Christian.

Term. Pasch. an. 53 H. 3.

Placita de Term. Pasch. *an* 53 H. *apud* Westm. *Essex.* Henricus de Lacy *per Attorn. &c. ponit se* 4. *die versus Priorem de* Dunmowe, *&c.* quare tenuit placitum in Curia Christianitatis de advocatione quartæ partis Ecclesiæ Estbradham, contra Prohibitionem, *&c.* Et fuit attach. per Willielm. *&c.*

Plac. de Term. S. Mich an. 53 H. 3 in Turri London Rot. 5. dorso.

Plac. de Term. S. Mich. *eodem anno. Magister* Stephanus de Gurmuvil. attachiatus fuit *ad respondendum* Johanni de Alisfeld, & Editha *quæ fuit uxor* Alfredi de Wyte *de placito*, quare idem Magister tenuit placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem, *&c.* Et *unde prædicti* Johannes *et* Editha *queruntur*, *quod cum quædam*

Isabella

Isabella de Rocheford *traxisset ipsas in placito coram prædicto* Stephano, petendo ab ipsis quater viginti marcas, quæ non sunt de Testamento vel Matrimonio: *Et prædictæ* Johanna & Editha *in crastino* Purificationis *beatæ* Mariæ *hoc anno in Ecclesia de* Renesbiry *detulissent ei Regiam prohibitionem*, ne prædictum placitum teneret, *&c. Et unde prædicti* Johanna & Editha *queruntur*, *quod* prædictus Magister spreta prædicta Prohibitione tenuit prædictum placitum: Ita quod primo fecit ipsas ab ingressu Ecclesiæ suspendi, et postea excommunicari. *Unde dicunt*, per quod deteriorati sunt et dampnum habent ad valenciam viginti librarum. *Et inde producunt sectam*, &c. *An.* 53 H. 3.

Et prædictus Magister venit & defendit vim & injuriam quando, &c. *Et benè defendit*, quod nunquam tenuit placitum prædictum post Prohibitionem: *Et hoc paratus est defendere, prout Curia consideraverit. Ideo consideratum est, quod vadiet ei legem se* 12. *manu. Et venit cum lege sua in octabis Sancti* Michaelis, *plegii de lege*, Elias de Colesshull & Rabertus de Warham. *Postea in octabis Sanctæ* Trinitatis *prædictus Magister* Stephanus *venit cum lege sua, & prædictæ* Johanna *et* Editha *renunciaverunt. Ideo prædictus inde sine die, et* Johanna *et* Editha *in misericordia* 2. *denariorum.*

I shall render you only a Breviate of other Prohibitions and Attachments the same Term. Thomas Tredegold *versus* Johannem le Fenre, *&c. (præceptum est Vicecomiti*, quod non omittat propter prædictam libertatem, *&c.)* Ricardus Chymne *Junior versus Magistrum* Johannem de Burton *de placito*, quare tenuit placitum in Curia Christianitatis de catallis, *&c.* contra, *&c.* Ricardus *versus* Hugonem *Vicarium de* Simonesberg, *&c.* Alexander le Pestur *de* Mycham *versus* Gervasium *Vicarium Ecclesiæ de* Mycham, *et alios*; for the like Suites. Ibid. Rot. 17. dorso. Rot. 36. dorso. Ibidem. Rot. 45. dorso. Surr.

In the same Term and Roll, I finde this Plea in an *Assise* of *Darrein Presentment* to the Church of *Malleberg*, wherein the Popes provision of it to his Nephew upon the Bishop of *Sarums* translation to *Bath*, was pleaded and allowed.

Assisa venit recognitura quis advocatus tempore pacis præsentavit ultimam personam qua mortua est ad Ecclesiam de Mallebergh *quæ vacat*, &c. *Et cujus advocationem* Ricardus *filius* Stephani *clamat versus* Walterum *Episcopum* Sarum; *et unde dicit, quod quidam* Willielmus *antecessor suus tempore pacis, et tempore* H. *Regis avi Domini Regis nunc; præsentavit quendam* Robertum *Clericum suum ad prædictam Ecclesiam, qui ad præsentacionem suam fuit admissus et institutus, et ultimò obiit persona in eadem tanquam à vero patrono præsentatus. Et Episcopus per Attornatum suum venit, et dicit, quod non debet ei ad hoc breve respondere, quia dicit*, quod prædicta Ecclesia non est Ecclesia per se, immo Capella pertinens ad matricem Ecclesiam de Alfynton, unde petit Judicium de brevi suo. Rot. 19. dorso Devon.

Et Ricardus *dicit*, quod qualitercunque prædicta Ecclesia de Mallebergh modo consolidata sit prædictæ Ecclesiæ de Alfynton; tempore quo prædictus Willielmus antecessor suus præsentavit prædictum Robertum Clericum suum ad prædictam Ecclesiam, fuit Ecclesia illa matrix Ecclesia et per se parochialis.

Et Episcopus dicet, quod post tempus prædicti H. Regis avi, quidam Ricardus, quondam Episcopus Sarum tempore Domini Regis nunc præsentavit quendam Martinum de Patteshull, qui ad præsentationem suam fuit admissus et institutus. Et post mortem prædicti Martini quidam Robertus tunc Episcopus Sarum præsentavit quendam ——— Clericum suum ad prædictam Ecclesiam, qui ad præsentacionem suam fuit admissus, et institutus. Et postquam ——— Rogerus consecratus fuit in Episcopum Bathoniensem et Wellensem, Dominus Papa contulit eandem Ecclesiam Andrææ nepoti suo, et quod advocatio illa pertinebat ad Episcopatum Sarum, et Ricardus non potest hoc dedicere. Ideo prædictus Episcopus inde sine die, et prædictus Ricardus in misericordia pro falso clamore.

Willielmus de Sudfeld, *&c. optulit se* 4. *die versus* Galfridum de Beles *de placito*, quare secutus est placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra Prohibit. *&c. Et ipse non venit. Et præceptum fuit Vic.* quod attach. eum, *&c.* Rot. 5. Kanc.

Prior de Covenham attach. fuit *ad respondendum* Ricardo de Seyton *de consimile plac. Et unde*, &c. *queritur quod cum ipse*, &c. *idem Prior non obstante*, &c. *Ipsum tanquam*, &c. ab ingressu Ecclesiæ suspendit, et postea ipsum excommunicavit, *&c. Et inde*, &c. Et prohibitum est prædicto Priori quod non, &c. Rot. 6. Linc.

An. 53 & 54 Hen. 3.

Johannes de Ruhale *per Attornatum suum optulit se 4. die vers. Magistr.* Petrum de Betevill. *Personam Ecclesiæ de* Rypel *de placito*, quare secutus est consimile plac. in Curia Christianitatis. *Et ipse non venit*, &c. *Vic.* &c. *Set mandat*, quod prædictus Petrus Clericus est et non habet, *&c. Ideo mandatum est* Godefr. *Episcopo* Wygorn. *quod habeat prædictum* Petrum, *&c.*

Rot. 8. intus. Wygorn.

Rot. 9. Sussex. Thomas Tredegold *optulit 4. die vers. Magistrum* Walterum de Glouc. *Decanum* Ciceſtr. *et* Johannem le Feu *de placito*, quare idem Magister tenuit consimile plac. et quare prædictus Johannes secutus est idem placitum. *Et ipsi non venerunt*, &c.

Rot. 10. dorso. Hereford. *Frater* Galfridus *procurator Abb. et Conv. de* Conches attach. fuit *ad respondendum* Thomæ de Colecestr. *de placito*, quare secutus est consimile placitum in Curia Christianitatis, *&c.* petendo ab ipso decem libras argent. quæ non sunt, *&c. Et cum detulisset*, &c. prædictus Petrus spreta Regia prohibitione, secutus est idem placitum, *&c. Ita quod fecit eum*, &c. *&* excommunicari. *Unde*, &c. *& dampnum habet*, &c. *Et inde*, &c.

Et præd. Galfr. *&c. defendit quod nunquam secutus est*, &c. *contra*, &c. *Ideo*, &c. *vadiet ei legem*, &c. *Plegii*, &c.

Rot. 32. intus. Sussex. Tho. Tredegold *optulit se 4. die versus Magistrum* Walterum de Glouc. *Decanum* Ciceſtr. *de placito*, quare tenuit consimile placitum, *&c. Et ipse non venit*, &c. *Et mandatum fuit Custodibus spiritual. Episcopatus* Ciceſtr. *quod faciat eum*, &c. *eo quod Vic. mandat*, quod Clericus est et non habet, *&c. Et super hoc testatum est quod*, &c. *habet terras et tenementa ad suffic.* &c. *per quæ potest*, &c. *Ideo præceptum est Vic.* quod distring. eum, *&c.* Et quod habeat corpus ejus, *&c.*

Rot. 28. dorso. Hereford. Hugo de Mortuomari *de Castro* Ricardi *optulit se 4. die versus* Hugonem de Mortuomari, Emericum *Cancellarium* Hereford. *et* Eymonem *Precentorem* Hereford. *de placito*, quare prædict. Magister Hugo tenuit placitum, *&c.* de advoc. Ecclesiæ de Gliston, contra Prohibitionem, *&c. Et de placito*, quare prædicti Emericus et Eymo secuti sunt idem placitum. *Et ipsi non venerunt*, &c. *Et Vic.* &c. *mandat quod*, &c. Clerici sunt, &c. *Ideo mandatum est Episcopo* Hereford. *quod venire*, &c. *Clericos suos*, &c.

Rot. 35. intus. Buks. Radulfus de Norff. *Esson.* Ricardi de Seyton *opt. se 4. die versus Fratrem* Ricardum Lovel *Præceptorem de* Bulstrode, *et* Ricardum *Magistrum Militiæ* Templi *in* Anglia *de placito*, quare secuti sunt, &c. de catallis et debitis quæ non sunt, &c. contra Prohibitionem, &c. *Et ipsi non venerunt, &c. Ideo ponatur per mel. pleg. &c. præceptum fuit Vic.* quod attach. &c.

Rot. 36. intus. Heref. Radulfus de Haundham *opt. se 4. die versus Priorem Sancti* Guthlaci *de* Hereford. *de placito*, quare tenuit placitum, &c. de catallis, &c. quæ non sunt, &c. contra Prohibitionem, &c. *Et ipse non venit.* Et fuit attach. per, &c. *Ideo, &c. ponatur per mel. pleg. quod sit, &c.*

An. 54 H. 3.

Tom. 2. p. 1056. l. 3. after *ut supra*, adde: Pope *Alexander* and his Visitors of exempted Abbies by their usurped power, prescribed a form of Oath to all Abbots and Covents, not to oblige themselves or Monasteries to any Religious or secular persons, to the prejudice of their Churches, thus related by *W. Thorn*; which entrenched upon the Kings Prerogative, for whom they could not be bound to raise Monies upon any publick occasion, and in prescribing *New Oathes* without his Royal assent or authority; Whereupon *Roger* Abbot of Saint *Augustines* in *Canterbury*, An. 1270. made this Constitution in pursuit thereof. * *Rogerus* Abbas instituit ne Monasterium istud alicujus obligetur debitis isto tenore: *Omnibus Christi fidelibus*, Rogerus *Dei gratia*, &c. *Nuper ad reformationem ordinis & status domus nostræ visitatoribus à capitulo generali deputatis ad nos accedentibus; diligenti inquisitione habita super præscriptis, perpendentes dicti visitatores tam propter negligentiam Prælati quam subditorum in pluribus statum Monasterii posse periclitari, inter cætera maxime quod nonnunquam proniores quam Monasterio expediret*, et contra Interdictum Apostolicum, necnon et generalis Capituli statutum; ad obligandum se et suum Monasterium in contractibus mutuo faciendis, tam pro religiosis quam pro secularibus personis: *ordinaverunt & firmiter statuerunt*, ut super observatione ipsius Statuti Apostolici necnon et generalis Capituli statutum, tam a Prælatis quam a subditis universis corporale præstaretur Sacramentum. *Nos igitur Abbas & Conventus universi et singuli inspectis sacrosanctis*, in verbo veritatis, Sacerdotii et Religionis juramus, *et præsenti pagina profitemur*, nos contra tenorem dicti Statuti super hoc editi

* Chronicon Will. Thorn, col. 1918.

editi de cætero non contraventuros. *Et ut in omnibus* dictum Statutum *clarius illuceſcat, ipſius tenorem duximus præſentibus, qui talis eſt;* An. 54 H. 3.

ALEXANDER Epiſcopus, *&c. Et infra*; Firmiter inhibemus, ne quis præſumat Eccleſiam ſibi commiſſam pro alienis gravare debitis, aut literas alicui ſeu ſigilla eorundem quibus poſſent Eccleſiæ obligari concedere, decernentes ſi ſecus fuerit attemptatum, ad ſolucionem talium debitorum Eccleſias non teneri. Si quis autem contra præmiſſa de cætero venire præſumpſerit, ab adminiſtratione temporalium ſit ſuſpenſum. *Nos etiam prædicti Abbas et Conventus ſtatuentes nihilominus, generalis Capituli auctoritate interveniente, quod Abbas quicumque ſucceſſivis temporibus ad regimen hujus congregationis electus*, in primâ ſua creatione Sacramentum prædictum de obſervando Statuto prædicto præſtet, et renovet Sacramentum, *nichilominus eciam ne cæteri proceſſu temporis in iſto Monaſterio Monachicum ordinem ſuſceperi, contraveniant*, ſtatim poſt profeſſionem ſuam idem Sacramentum facient et obſervent.

In the *Placita apud* Weſtm. *de octabis S.* Trinitatis *coram* M. de Litlebir. *Magiſtro* R. de Seyton, *et* J. de Cobeham, *anno regni Regis* Henr. 54. I found theſe Suites and Attachments (in the *Tower*) for Suits in Eccleſiaſtical Courts, againſt the Kings Prohibitions. Plac. de Term. Trin. an 54 H. 3. in Turre London.

Philippus Bandre *de* Knyuſton *optulit ſe 4. die verſus Magiſtrum* Thomam de Wytton *Archid.* Northampton. Nicholaum de Fenton *Officialem ejus*, Hugonem de Watton *Decanum de* Dyngham *de placito*, quare tenuerunt placitum de laico feodo ipſius Philippi de Knyuſton, *&c.* contra Prohibitionem, &c. *Et verſus* Williel-mum *fil.* Rogeri *Capellani, &c.* quare ſecutus eſt idem placitum in eadem Curia, contra eandem Prohibitionem. *Et ipſi non venerunt, &c. Ideo ponantur per meliores plegios, &c. quod ſint in Craſtino* Animarum. *Et primi, &c. Et prædictus Magiſter et* Willielmus *aliàs fecerunt defaltam, ſcilicet, in Octabis S.* Hilarii, *ad quem diem Vic. mandavit*, quod Clerici ſunt et nullum habent laycum feodum, &c. *Ita quod mandatum fuit Archiepiſcopo* Ebor. *quod faciat eos venire, &c.* Et Archiepiſcopus nichil inde fecit, nec breve miſit. *Ideo præceptum eſt Vic.* quod attach. prædictum Archiepiſcopum, *quod ſit ad præfatum terminum, et ibi habeat Clericos, &c.* Rot. 6. Noting.

Johannes de Ciryton *Eſſon.* Johannis Blundel. *et* Willielmus *filius* Galfridi *Eſſon.* Magar. *fil.* Bartholomæi, *et* Johannes *fil.* Walteri *Eſſon.* Elenæ *ſororis ejuſdem* Margar. *opt. ſe 4. die verſus* Henr. de Beningburgh *et* Alic. *ux. ejus, de placito*, quare ſecuti ſunt placitum in Curia Chriſtianitatis de laico feodo ipſorum Johannis, Margar. *et* Helenæ, *&c.* contra Prohibitionem, &c. *Et ipſi non venerunt. Et præceptum fuit Vic.* quod attach. eos *quod eſſent hic ad hunc diem.* Et *Vic. nichil inde fecit*, ſet mandavit quod præceperat Ballivis libertatis Civitatis Ebor. *qui nichil inde fecerunt. Ideo præceptum eſt Vicecomiti* quod non omittat propter prædictam libertatem, quin attach. eos *quod ſint in Craſtino S.* Martini. Et *unde Vic. &c.* Ibidem. Rot. 14. dorſo. Eborum.

Ricardus Thynne *junior per Attornatum ſuum opt. ſe 4. die verſus* Hugonem *Vicarium* Eccleſiæ *de* Symontsberg *de placito*, quare ſecutus eſt placitum in Curia Chriſtianitatis de catallis et debitis quæ non ſunt de Teſtamento vel Matrimonio, contra Prohibitionem, &c. Et *ipſe non venit., &c.* Et *præceptum fuit Vic.* quod attach. eum, *quod eſſet hic ad hunc diem.* Et *Vic. mandavit*, quod Clericus eſt, et quod nullum habet laycum feodum per quod poteſt attach. *Ideo mandatum eſt Epiſcopo quod faciat eum venire à die Sancti* Michaelis *in tres Septimanas.* Et *unde Vicecom. &c.* Ibid. Rot. 19. Dorſet.

Rogerus de Trythampton *per Attornatum ſuum opt. ſe 4. die verſus Magiſtrum* Stephanum de Rokelaund *de placito*, quare tenuit placitum in Curia Chriſtianitatis de catallis et debitis quæ non ſunt, &c. contra Prohibitionem, &c. *Et verſus Magiſtrum* Ranulphum de Naſſington *de placito*, quare ſecutus eſt prædictum placitum, &c. contra, &c. *Et ipſi non venerunt, &c. Et præceptum fuit Vic.* quod attach. eos, &c. *Et Vic. nichil inde fecit, ſet mandavit* quod Clerici ſunt, et nullum habent laicum feodum, &c. *Ideo mandatum eſt Epiſcopo quod faciat eos venire Craſtino* Animarum, *&c. Et unde Vic. mand. &c.* Ibid. Rot. 8. dorſo. Linc.

Symon de Cotes *per Attornatum ſuum optulit ſe 4. die verſus Magiſtrum* Johannem Galle, *Magiſtrum* Jordanum de Hamerton, *et* Emmam *quæ fuit uxor* Willielmi Vaus, *de placito*, quare ſecuti ſunt placitum in Curia Chriſtianitatis de catallis et debitis quæ non ſunt, &c. contra Prohibitionem, &c. *Et præceptum fuit Vic.* quod attach. Ibid. Rot. 9. Hunted.

attach.

An. 54 H 3. attah. eos *quod essent hic in Octabis S.* Hilarii. *Ad quem diem Vic. mandat*, quod Clerici sunt, et quod nullum, &c. *Ita quod mandatum fuit* Episcopo Linc. *quod venire fac. eos ad hunc diem.* Et Episcopus nichil inde fecit, nec breve misit. *Ideo præceptum est Vicecom.* quod attachiaret prædictum Episcopum, *quod sit in Crastino* Animarum, *&c.*

Ib. Rot. 9. dors. Linc. Robertus de Haneworth *optulit se* 4. *die versus* Robertum Salle, Johannem Wynbeyt, Silvestrum de Linc. *Capellanum, et* Bedam le Den, *de placito*, quare secuti sunt placitum in Curia Christianitatis de catallis et debitis quæ non sunt, *&c* contra Prohibitionem, &c. Et *ipsi non venerunt*; *&c.* Et Robertus fuit attach. *per* Johannem de Lyndeseye *in* Lync. *&c.*

Ibid. Rot. 14. Hereford. Thomas de Colecestr. *per Attornatum suum optulit se* 4. *die versus Fratrem* Galfridum *procuratorem Abbatis et Conventus de* Couches, *de placito*, quare secutus est placitum in Curia Christianitatis de catallis et debitis quæ non sunt, &c. contra, &c. Et *ipse non venit.* Et *habuit diem per Essoniatorem suum ad hunc diem postquam comparuit in Curia, scilicet, à die Sancti* Michaelis *in quindecim dies.* Et *vadiaverat ei inde legem se* 12. *manu. Ideo consideratum est*, quod prædictus Thomas recuperet dampna sua quadraginta librarum versus eum. Et *ipse et plegii sui de lege in misericordia, scilicet* Robertus de la Grave *de Com.* Warr. *et* Willielmus *fil.* Martini *de Com.* Essex. *&c.*

Ibid. Rot. 17. dorso. Norff. Radulfus de Norff. *Esson.* Willielmi Galuz *optulit se* 4. *die versus Magistrum* Godefridum de Merton *de placito*, quare tenuit placitum in Curia Christianitatis de catallis et debitis quæ non sunt, &c. contra Prohibitionem, &c. *Et versus Priorem* Norwyc. quare secuti sunt idem placitum in eadem Curia, contra eandem Prohibitionem, &c. *Et ipsi non*, &c. *Et prædict. Magister et Prior* fuerunt attach. *per*, &c. *Ideo ponantur per meliores plegios, quod sint in Crastino* Animarum. *Et primi*, &c.

This Term there fell out this notable Case concerning *Bastardy*, whether it should be tryed by the Countrey or the Certificate of the Bishop of *Bayon* in *Normandy*, where the Marriage was alledged; and resolved it should be by the Bishops Certificate, to be returned into the Kings Court here.

Ibid. Rot. 19. dorso. Linc. Rogerus de Nevill *petit versus* Tolebotum de Talebot *de* Hylteſham *unum mess. centum acras terræ, quindecim acras prati cum pertin. in* Gynnewardely *quæ* Thomas Talebot *de eo tenuit, et quæ ad prædictum* Rogerum *reverti debent tamquam escaeta sua, eo quod prædictus* Thomas Bastardus fuit, et obiit sine hærede de se, &c.

Et Talebotus *per Attornatum suum venit et dicit, quod prædictus* Rogerus *nichil clamare potest in prædicto tenem. nomine escaetæ; quia dicit*, quod prædictus Thomas Talebot non fuit Bastardus, *ymmo*, de legitimo Matrimonio procreatus. Et *hoc paratus est verificare sicut Curia consideraverit*, &c.

Et *prædictus* Rogerus *dicit, quod prædictus* Thomas Talebot *qui de ipso tenuit prædictum tenem.* fuit Bastardus, et obiit sine hærede de se; *et quod ita sit*, petit quod inquiratur per patriam.

Et *prædictus* Talebotus *dicit*, quod hujusmodi inquisicio de Bastardia in hoc casu non spectat ad forum seculare; *dicit enim*, quod quidam Talebotus pater prædicti Talebot. conversatus fuit in partibus transmarinis, *scilicet in* Normannia *in Episcopatu* Bayesensi, et ibi duxit uxorem Johannam nomine, de qua suscitavit prædictum Thomam ex legitimo Matrimonio, *et hoc paratus est verificare sicut Curia consideraverit.* Ideo mandatum est Episcopo Beyesensi quod diligenter inquirat, utrum prædictus Thomas natus fuit ex legitimo Matrimonio, an Bastardus? Et quid inde inquisierit, scire faciat hic in Octabis S. Martini, *&c.* So as the Kings Writ in this Case ran into *Normandy* in this Age.

Plac. de S. Hil. an. 54 H. 3. in Turri Lond. Rot. 2. intus, Ebor. *Plac. apud* Westm. *de Term. S.* Hilarii, *coram* M. de Litlebir. *et* J. de Cobbeham, *anno regni Regis* Henrici 3. 54.

Adam de Wymrual *optulit se* 4. *die versus Magistr.* Gilbertum *de S.* Leofordo, *et* Nicholaum de Rodes, quare prædict. G. tenuit plac. &c. de catallis et debitis quæ non sunt, &c. Et quare prædict. N. secutus est idem plac. &c. Et *ipsi non veniunt*, &c.

Ibid. Norff. Petrus de Goudre *de* Kynston *optulit se* 4. *die versus Magistr.* Thomam de Shyton *Archidiac.* Noting. *&c. quare ipse simul cum aliis*, Nich. de Fenton *Offic. ejus*, Hug. de Sutton *Decano de* Byngham tenuerunt placitum in Curia Christianitatis de laico feodo ipsius Petr. in Kynston, contra Prohibitionem, &c. Et *versus* Henricum

Personam

Perſonam Eccleſiæ *de* Radeclyve *ſuper* Som. *et* Willielmum, Philippum, *et* Rogerum *Capellanum*. quare ſecuti ſunt idem plac. in eadem Curia Chriſtian. contra Prob. &c. *Ideo mandatum eſt Archiepiſcopo* Ebor. *quod habeat eos*, &c. *An.* 54 H. 3.

In another Plea-Roll ſevered from the reſt, about this year as I conjecture. Adhuc de Oct. S. Hilarii.

Ricardus de Manton *optulit ſe* 4. *die verſus* C. Epiſcopum Linc. *de placito, quod eſſet ad hunc diem, et hic haberet* Johannem *Perſonam* Eccleſiæ *de* Undole, *de placito*, quare ſecutus eſt placitum in Curia Chriſtianitatis de, &c. quæ non ſunt, &c. contra, &c. Et *ipſe non venit*. Et *plures fecit defaltas*. *Ita quod præceptum fuit Vic. quod diſtringat eum per*, &c. *Ita quod de exitibus*, &c. Et *quod haberet corpus ejus ad hunc diem*. Et *Vic. mandavit quod diſtrictus eſt*. *Ideo ſicut prius præceptum eſt Vic. quod diſtringat eum per omnes terras*, &c. *Ita quod de exitibus*, &c. Et *quod habeat corpus ejus à die* Paſch. *in unum menſem*. Et *Vic. ſit aud. eo quod non reſpond. de exitibus*.

This year there was a notable perpetual League and Confederacy entred into between King *Henry* of *England*, and *Alphonſo* King of *Caſtle*; againſt all men of the world, ſaving their faith to the Church of *Rome*; which I found in the *White Tower*.

Confœderatio inita inter Henricum Angliæ & Alphonſum Caſtellæ *Rege, pro ipſis & eorum hæredibus perpetuò duratura, contra omnes homines de mundo*, ſalva fide Romanæ Eccleſiæ. Anno 54 H. 3. in Turri Lond.

NOverint univerſi hanc paginam inſpecturi, quod nos frater *Lupus Marochitanen.* & *Garſias Martini* Procur. & ſolemnes nuncii illuſtris Regis * *Caſtellæ, Toleti, Legionum, Galleciæ, Sibilliæ, Cordubiæ, Murciæ*, & *Jehenni* literas dicti Domini Regis recepimus in hæc verba; Alphonſus *Dei gratia Rex* Caſtellæ, Toleti, Legionum, Galleciæ, Sibilliæ, Cordubiæ, Murciæ, & Jehenni, *omnibus præſentes literas viſuris vel audituris, ſalutem. Noveritis nos feciſſe, conſtituiſſe, & ordinaſſe Procuratores noſtros et ſolempnes nuncios venerabilem in Chriſto patrem*, fratrem Lupum, *Dei gratia* Merochitan. *Epiſcopum*, & *Nobilem virum* Garſiam Martino de Toleto, *ad tractandum de pace, & ad firmandum eandem, inter illuſtrem Principem* Henricum *Regem* Angliæ *et ſuos hæredes ex una parte, et nos et hæredes noſtros ex altera; gratum et firmum habituri quicquid per eoſdem nuncios firmatum fuerit vel etiam ordinatum: dantes eiſdem plenariam et liberam poteſtatem tractandi pacem et firmandi eam (ut dictum eſt,) et jurandi in animam noſtram*, et obligandi per Juramentum nos et hæredes noſtros (*ſi viderint expedire*) *ad ſervandum omnia, quæ iidem Nuncii ſuper præmiſſis duxerint pro nobis et hæredibus noſtris ordinanda et etiam promittenda. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Datum apud* Toletum, *Kalendis* Aprilis, * *Ærâ milleſimâ ducenteſimâ nonageſimâ ſecundâ*. Harum igitur authoritate literarum pro prædicto Domino noſtro Rege *Caſtellæ & Legionum*, et hæredibus ſuis inivimus fœdus perpetuæ amicitiæ cum Domino *Henrico* Dei gratia illuſtri Regi *Angliæ*, Domino *Hiberniæ*, Duce *Normanniæ* et *Aquitaniæ*, et Comite *Andegaviæ*, et hæredibus ſuis iſto modo; quod idem Dominus Rex *Caſtellæ* et *Legionum*, et hæredes ſui ab hac hora ſint amici et inimici prædicti Regis *Angliæ* et hæredum ſuorum, contra omnes homines de mundo imperpetuum. Ita quidem quod idem Dominus noſter Rex *Caſtellæ & Legionum*, & hæredes ſui juvabunt eundem Regem *Angliæ* & hæredes ſuos bona fide cum toto poſſe contra omnes homines de mundo, ſalva fide Eccleſiæ *Romanæ*. Dimittimus etiam & quietamus pro prædicto Domino noſtro Regi *Caſtellæ & Legionum* & hæredibus ſuis, Domino *Henrico* illuſtri Regi *Angliæ* & hæredibus ſuis, ſicut melius & ſanius intelligi poteſt, quicquid juris vel quaſi habet vel habere debet Dominus Rex *Caſtellæ & Legionum* & Hæredes ſui in tota *Vaſconia* vel in parte, in terris, poſſeſſionibus, hominibus, juribus, vel quaſi Dominiis, vel quaſi actionibus & rebus aliis, ratione Dominationis quam fecit vel feciſſe dicitur Dominus *Henricus* quondam Rex *Angliæ* ac *Alianora* uxor ſua *Alianoræ* filiæ ſuæ, & bonæ memoriæ Domino *Alfonſo* Regi *Caſtellæ*, & quicquid juris vel quaſi ibidem idem Dominus Rex *Caſtellæ & Legionum* habet vel habere debet, vel hæredes ſui per ſucceſſionem ſupradictorum, vel per collationem ipſi vel alii cujus ad ipſum pertineat factam à Regina *Berengaria* filia *Alfonſi* Regis & Reginæ *Alianoræ*, & omnes Chartas quas idem Dominus Rex *Caſtellæ & Legionum* habet ſuper hoc à prædictis vel aliquo eorum, promittimus bona fide pro prædicto Domino noſtro Rege *Caſtellæ & Legionum* & hæredibus ſuis, dicto Regi *Angliæ* & Hæredibus

* Vide Mat. Pariſ. Hiſt. Angl. an 1253. p. 846. Eisdem diebus dilatata eſt fama Regis Hiſpaniæ, cujus titulus in ſcriptis ipſius talis ſcribitur; Alphonſus Dei gratia Rex Caſtellæ, Legionis, Galleciæ, Toleti, Murciæ, Cordabiæ, & Jehenni.

* Secundum computationem S. Dionyſii, viz. Anno gratiæ 1270.

An. 54, 55, & 56 H. 3.

redibus suis restituere vel debere. Et si inventæ fuerint ex hac hora, ulterius concedimus, quod sint vacuæ & cassæ. Et hoc facimus propter multas bonas rationes & multa alia quæ præfatus Rex *Angliæ* prædicto Domino nostro Regi *Castellæ* & *Legionum* concessit per se & Procuratores suos & solemnes Nuncios, *Petrum* Dei gratia *Hereforden.* Episcopum & *Johannem Mannsell. Beverlacen.* Præpositum, prout continetur in scriptis eorum, sigillis eorundem signatis. Nos verò supradicti frater *Lupus* Episcopus, *Garsias Martini*, Procuratores & Nuncii prænominati Domini Regis *Castellæ* & *Legionis*, quod juravimus in animam ejusdem Domini Regis *Castellæ* & *Legionis*, quod idem Rex & hæredes sui universa & singula superius adnotata benè, & integrè, & fideliter imperpetuum observabunt. In cujus rei testimonium præsentem Chartam sigillis nostris appendentibus præmunitam sæpefato Domino Regi *Anglia* duximus concedendam. Facta apud *Toletum* pridie Kalend. *Aprilis*, Ærâ 1292.

The fame, wisedom and amplitude of this King *Alphonso* his Kingdomes and Dominions, are at large described by * *Matthew Paris*, with his affection and good advice to King *Henry* after this League: *Rex* Hispaniæ *amicissimus jam Domino Regi* Anglorum *effectus*, *cum audisset de moribus ejus*, *condoluit in spiritu benignitatis & discretionis*, *& literatoriè significavit eidem*, ut exemplo bonorum Regum ac Principum, quarum titulus ab antiquo talis est, erit Agnus domesticis et suis commilitonibus, et Leo exteris et rebellibus; ille videlicet sermo recitatur, ut talia sequeretur, nec esset amplius suorum oppressor, & alienorum receptor & alimentator: sed,

* Hist. Angl. p. 846.

Quid juvat in sterili spargere semen humo?

An. 55 H. 3.

In a Fragment of Plea-Rolls (in the *Tower*) before the Justices Itinerant, about *Anno* 55 of *Henry* the 3d. as I conjecture by the hand, I met with this Case and Resolution upon an Attachment for a Suit in Court Christian against the Kings Prohibition.

Linc. Rot. 10.

Magister Willielmus de Branucewell attachiatus fuit *ad sectam* Gilberti Parleben, quare traxit cum in placitum in Curia Christianitatis de catallis ejusdem Gilberti, quæ non sunt de Testamento vel Patrimonio. *Et* Henricus *Decanus* De la Ford attachiatus fuit *ad respondendum eidem* Gilberto, quare tenuit placitum illud. *Et* Willielmus & *Decanus veniunt et dicunt*, quod post Prohibitionem Domini Regis nunquam tenuerunt nec secuti sunt placitum illud; *sed veram volunt dicere*, *quod revera idem* Willielmus *vendidit eidem* Gilberto *et cuidam participi suo decimas garbarum suarum de Ecclesia sua pro* 37 *marcis*; *et quia denarios illos non reddidit ad terminos statutos*, *ille sicut persona implacitavit eum in Capitulo ante* Prohibitionem: Et petit Judicium, si illud potuit facere vel non? *Et* Gilbertus *venit et hoc totum cognoscit*, *sed dicit*, quod reddidit ei prædictos denarios, *sed nullam sectam inde habet*: *Et dicit*, quod idem Willielmus petit ab eo quandam pœnam: *Et* Willielmus *dicit*, quod nullam pœnam ab eo exigit nec exiget. Et ideo consideratum est, * quod bene licet eidem Willielmo sequi placitum illud in Curia Christianitatis cum sit de Decimis, et prædicto Decano tenere illud. Et Gilbertus in misericordia.

* Mich. 13. H. 3. Fitz. Prohibit. 20.

An. 56 H. 3.

Tom. 2. p. 1061. l. 30. after *Decembris*, adde; I found this Original Writ in the *White Tower*, (*An.* 56. H. 3.) against the Prior of *Ely*, for suing the Kings Tenants of *Schelfield* for a Rent in the Ecclesiastical Court, against his Crown and dignity.

Bundela Brevium in Turri London. An. 56 H. 3.

H. Dei gratia Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquit.* Vic. *Cantebr.* salutem. Quia *Johannes le Moigne* fecit nos securos de clamore suo prosequend. per *Nicholaum* fil. *Johannis*, & *Gilbertum de Grumvill* de Com. *Essex.* tibi præcipimus, quod ponas per vad. & salvos plegios *Henricum* Priorem de *Ely*, quod sit coram nobis à die Purificationis beatæ *Mariæ* in 15. dies, ubicunque tunc fuerimus in *Anglia*; ostensur. quare homines ipsius *Johannis* de Manerio suo de *Magno Schelfield*, quod de nobis tenet in Capite, per diversas sententias Excommunicationis in ipsos latas distringet ad redd. Ecclesiæ suæ de *Ely*; videlicet, singuli eorum unum quadrantem per annum, cujusmodi debitum ipsi non debent, nec ipsi nec antecessores eorum unquam reddere consueverunt, in ipsius *Johannis* et ipsorum grave præjudicium, et nostræ Coronæ et dignitatis læsionem, ac contra Prohibitionem nostram, (*to stay his Suit for this Exaction*, *and Censures in the Ecclesiastical Court which usurped conusance of it.*) Et habeas ibi nomina plegiorum & hoc breve. Teste meipso apud *Turrim Londen.* 18. die *Januarii*, anno regni nostri 56.

Placita

An. 56 H. 3.

Plac. de Term. S. Trin. an. 56 H. 3. in Turri London. Rot. 28. Intus. Essex. Memb. 9. dors. Glouc.

Placita apud Westmonasterium *in Octabis Sanctæ* Trinitatis, *coram* Martino de Lytlebir. *& sociis suis Justic. de Banco, anno* 56 H. 3. (in the *Tower*) inform us of these Prohibitions that Term, (besides others) for Suites in *Courts Christian.*

Johannes Martian & Willielmus de Orset *opt. se* 4. *die versus* ——— neye *de placito*, quare secutus est plac. in Curia Christianitatis de catall. et deb. quæ non sunt, &c. contra, &c. *Et ipse non venit. Et præceptum est Vic.* quod attach. eum, &c.

Johanna de Wantcon attachiata fuit *ad respondendum* Johanni de Meysy *de placito*, quare secuta est placitum in Curia Christianitatis de laico feodo ipsius Johannis in Charefend, contra Prohibitionem, &c. *Et unde prædictus* Johannes *queritur*, quod cum prædicta Johanna traxisset ipsum in placitum in Curia Christianitatis coram Magistro Galfrido de Oudbridlegh Offic. Episcopi Wigorn. de laico feodo ipsius Johannis; *& idem* Johannes *die* Veneris *proximo post festum Translationis beati* Thomæ *Martyris in Ecclesia Sancti* Johannis *de* Cyrecestr. detulisset ei Regiam Prohibitionem, ne prædictum placitum sequeretur; prædicta Johanna spreta Prohibitione prædicta, secuta est prædictum placitum de die in diem versus eum: Ita quod primo fecit ipsum suspendi ab ingressu Ecclesiæ, et postea excommunicari: *Unde dicit*, quod deterioratus est et dampnum habet ad valenciam quadraginta librarum. *Et inde producit sectam*, &c. *Et* Johanna *venit et defendit vim et injuriam quando*, &c. *Et bene defendit*, quod nunquam secuta fuit prædictum placitum, contra prædictam Prohibitionem. *Et hoc parata est defendere sicut Curia consideraverit. Ideo consideratum est, quod vadiet ei legem se* 12. *manu: Et veniat cum lege sua hic crast.* &c. *Plegii de lege,* Richardus Tyril & Thomas de Churchehull *de eodem Com.* &c. *Postea venit prædicta* Johanna *et fecit legem suam. Ideo prædicta* Johanna *inde quiet.* et Johannes in misericordia, &c.

Matilda *quæ fuit uxor* Henrici de Morton *per Attorn. suum optulit se* 4. *die versus* *Magistrum* Andræum de Coventre *et* Adam de Dekene *de placito*, quare prædictus Magister tenuit placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem, &c. *Et de placito*, quare prædictus Adam secutus est idem placitum in eadem Curia, contra eandem Prohibitionem, &c. *Et ipsi non venerunt. Et præceptum fuit Vic.* quod distring. eos per omnes terras, &c. *Et quod de exitibus*, &c. *Et quod haberet corpora eorum hic ad hunc diem. Et Vic. nihil inde fecit, sed mandavit quod* Richardus le Brocher *de* Covyntre, Johannes *filius* Symonis *manuc. prædictum Magistrum.* Ideo ipsi in misericordia. *Et Vic. similiter, scilicet* Wilhelmus de Mortayn: Et amerciatur ad decem libras. *Et sicut prius præceptum est Vicecom.* quod distringat eum per omnes terras, &c. *Et quod de exitibus*, &c. *Et quod habeat corpus ejus hic in Crastino* Animarum. *Et sciat*, &c. *Et* ——— &c. *Et de prædicto* Ad. *mand. Vic. quod non est inventus, nec aliquid habet*, &c. *Ideo præceptum est Vic.* quod capiat eum si inventus, &c. *Et salvo*, &c. Et quod habeat corpus eius hic ad præfatum terminum, &c. *Et unde Vic. mand.* &c.

Ibid. 18.

Nicholaus Rastol & Emma de Arundell *opt. se* 4. *die versus* Johannem *Personam Ecclesiæ de* Cheneloke *de placito*, quare secutus est placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem, &c. *Et de placito*, quare prædictus Johannes secutus est placitum in Curia Christianitatis de laico feodo ipsorum Nicholai et Emmæ, contra eandem Prohibitionem, &c. *Et ipse non venit. Et* fuit attach. *per* Willielmum Botyld *de* Chircheheth & Nicholaum Syne. *Ideo ponatur per meliores plegios, quod sint in Crastino Sancti* Martini. *Et primi*, &c.

Ibid. rot. 19. Sutht.

To these I shall annex two Actions more, casually omitted in their proper *series.*

An. 14 H 3.

Plac. de Term. S. Hil. an. 14 H. 3. in Turri London.

Willielmus Chynethorne & Willielmus Henry attach. fuerunt *ad respondendum* Ricardo de Chuderlegh & Orisiæ de Germudes ——— *de placito*, quare secutus est placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testam. vel Matrim. contra Prohibitionem, &c. *Et unde iidem* Ricardus & Orisiæ *per* Adam de Baunton *Attornatum suum quer. quod cum prædicti* Willielmus & Willielmus *die* Jovis *prox. post festum Conversionis S.* Pauli, *anno regni Domini Regis nunc*, &c. *quartodecimo apud* Exon. *coram Magistro* Ricardo de Coleton Official. Domini Episcopi Exon. secuti fuissent placitum in Curia Christianitatis de duobus Bobus, quatuor affr. Bladis, et seraginta Solidos, quæ non sunt de Testam. &c. *ac iidem* Ricardi & Orisiæ *prædictis die & anno ibidem* liberassent eisdem Willielmo et Willielmo Prohibitionem

An. 56 H. 3. hibitionem Domini Regis, *in præsentia* Willielmi de Halswyll. Willielmi Dame, & Radulphi de Corner & *aliorum*, ne placitum illud ulterius sequeretur; iidem Willielmus et Willielmus nihilominus placitum illud ulterius sequebantur, contra Prohibitionem, &c. *Ipsi tamen*, &c. *Unde dicunt*, quod deteriorati sunt, et damnum habent ad valenciam viginti librar. *Et inde producit sectam*, &c.

Et Willielmus & Willielmus *per* Johannem de Chuderlegh *Attornatum suum venerunt. Et defend. vim & injuriam quando*, &c. *Et benè defend.* quod ipsi nunquàm secuti fuerunt placitum illud in Curia Christianitatis de catallis et debitis quæ non sunt, &c. contra Prohibitionem, &c. *sicut ijdem* Ricardus & Orisia *queruntur. Et hæc parati sunt defendere contra ipsos & sectam suam, sicut Curia consideraverit. Ideo consideratum est quod prædicti* Willielmus & Willielmus *vadiant eis inde legem suam*; &c.

An. 20 H. 3. Willielmus de Radeweye attach. fuit *ad respondendum* Domino Regi *de placito*, quare, cum placita de catallis et debitis in Regno *Angliæ*, quæ non sunt de Testamento vel Matrimonio ad Coronam et dignitatem Regiam specialiter pertineant; idem Willielmus (*sicut ex relatu plurium accepit* Dominus Rex,) secutus est placitum in Curia Christianitatis de catallis et debitis Johannis Prioris de Wolryshton et Petr. Micar. Ecclesiæ de Wolryshton, quæ non sunt de Testamento vel Matrimonio, in læsionem Coronæ et dignitatis Regiæ, et contra Prohibitionem, &c. *Et unde* Willielmus de Hauberk, *qui sequitur pro* Domino Rege *dicit, quod cum* Willielmus *prædictus die* Veneris *proxima post festum S.* Margaretæ *Virginis, anno regni Domini Regis nunc decimo nono, apud* Lychefeld *in Ecclesia S.* Cedde Lychefeld. *coram* Rogero Coventr. & Lychefeld. *Episcopo* & Waltero de Askeby *Comissar. ejusdem Episcopi* secutus fuit placitum in Curia Christianitatis de 21. libr. 16. solidis, 4. denariis, una pari decretalium, una sella, uno fræno parcameno, uno mounterio, duobus loculis de serico, una zona serica prædictorum Prioris et Micar. quæ non sunt de Testamento vel Matrimonio, &c. *ac quidam* Willielmus le Gardyner *die* Veneris *proximò ante festum S.* Petri ad vincula *prox. sequente apud* Coventr. *in præsentia* Guydonis le Breton, Willielmi Hauberk, Ricardi Fabr. *de* Braundon, & Ricardi de Cardyner liberasset ei Prohibitionem Domini Regis, ne placitum illud ulterius sequeretur, &c. Idem Willielmus nihilominus secutus fuit idem placitum in Curia Christianitatis, in læsionem Coronæ et dignitatis Regiæ, contra Prohibitionem, &c. Et hoc paratus est verificare pro Domino Rege, &c.

Plac. de Term. S. Hil. an. 20 H. 3. in Turri London.

Et Willielmus *venit, & defendit vim & injuriam quando*, &c. *Et benè defendit*, quod nunquam secutus fuit placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem, &c. *Et de hoc ponit se super patriam.* Et Willielmus *qui sequitur*, &c. *similiter. Ideo præceptum est Vic. quod venire faciat hic à die S.* Trinitatis *in quindecim dies*, 12. &c. *per quos*, &c. *et qui nec*, &c. *ad recogn.* &c.

By all the premised successive *Prohibitions*, *Attachments*, *Suits*, *Proceedings*, besides sundry others contained in the Fragments of the decayed Plea-Rolls in the *Tower*, which I pretermit, and those printed in * *Bracton* and † *Fitzherbert* during the long Reign of King *Henry* the 3d. it is most apparent, that notwithstanding his over-great compliance with, and connivances at the Usurpations, Exactions of the Popes, and Court of *Rome*, their *Legates*, *Instruments* in sundry particulars, to which he was necessitated to procure their favour, advise, and assistance against the frequent invasions, injuries of the *French*, and other potent Enemies abroad, and of his undutifull, refractory, rebellious Prelates, Barons at home, invading, undermining the Rights and Prerogatives of his Crown; and to obtain the Realms of *Sicily* and *Apulia* for his Son *Edmund*: yet he with his Parliaments, Judges, and Courts of Justice constantly maintained, asserted his Soveraign Ecclesiastical Prerogative against all Papal and Prelatical usurpations thereon, and the Lawes, Liberties, Properties of his Realms, Subjects in *England* and *Ireland*, in the Particulars of greatest moment, and most publick concernment to him and his people.

* Lib. 5. c. 2. to 15.
† Grand Abridgement, Prohibition 13, to 30.

1. In issuing out frequent *Prohibitions* to, and *Attachments* against his Archbishops, Bishops, Archdeacons and other Ecclesiastical Judges, Courts, and likewise to and against the Popes Legates, Delegates, for holding Pleas of any matters, Causes belonging to his Crown, Dignity or Temporal Courts, seising their Temporalties, fining and imprisoning their Persons for their contempts and disobedience to his

Prohibitions,

Prohibitions, as well as his Lay-subjects: [a] *Quia nullum majus crimen, quàm contemptus & inobedientia:* omnes enim qui in regno sunt (as well Prelates, Clergymen, Popes Legates, as Lay-Lords and Subjects) obedientes esse debent Domino Regi, et ad pacem suam, et cum vocati vel summoniti per Regem venire contempserint, faciunt seipsos exleges, et ideo utlagari deberent, non tamen ad mortem vel membrorum truncationem, cum causa utlagationis criminalis non existat, sed in perpetuam prisonam, vel regni abjurationem, et communione omnium aliorum qui sunt ad pacem Regis, as Judge *Bracton* and other the Kings Judges then resolved. *An.* 56 H. 3.

a See Bracton, l. 5. c. 2, to 17. * Bracton, l. 5. c. 2. & 32. f. 441.

2ly. In summoning all Archbishops, Bishops, Popes Delegates, and other Ecclesiastical Judges, Persons to appear before him and his Jugdes in his Temporal Courts, in all causes wherein their Ecclesiastical Jurisdiction or usurpations on his Crown were brought in question, as the sole proper Judges thereof, not the Pope or themselves, as well as of all Temporal Jurisdictions, they being both originally vested in and flowing from the King; whence [b] *Bracton* and his Judges then resolved: In Spiritualibus debet Rex æstimare vel Justiciarii sui, an sua sit Jurisdictio vel non? Si Judex Ecclesiasticus falcem ponens in messem alienam aliquid præsumpserit contra Coronam et dignitatem Regiam, sicut de laico feodo vel de Catallis, cum Prohibitionem a Rege susceperit, supersedere debet in omni casu, saltem donec constiterit in Curia Regis, ad quem pertineat Jurisdictio: quia si Judex Ecclesiasticus æstimare posset an sua esset Jurisdictio, in omni casu indifferenter procederet non obstante Regia Prohibitione. Debet igitur vel omnino supersedere, vel cum attachiatus fuerit, venire, vel mittere, quod examinato placito in Curia Regis, de consilio Curiæ supersedeat, vel procedat, quod si non fecerit pœna debita puniatur. Since then the King, and his Temporal Courts, Judges who represented his Person, did thus summon Archbishops, Bishops, Popes Delegates, and all other Ecclesiastical Judges personally to appear before them, determine all Causes concerning the extent of their Papal or Ecclesiastical Jurisdictions, restrain, correct their usurpations, excesses, contempts; but they on the contrary could not summon, examine, inhibit the Kings Temporal Courts, Judges, nor excommunicate, interdict them by our Laws for any of their Judgements, Prohibitions, Proceedings, restraining their pretended Church-Liberties, or Ecclesiastical Jurisdictions or Exorbitances, (though they [c] oft-times attempted it by their antimonarchical *Canons* and *Constitutions*) they must be acknowledged to be Supreme, and Super-intendent over; not subject or subordinate to them, as well in Ecclesiastical as Temporal Causes and Affairs.

b Lib. 5. c. 15. f. 412.

c See Tom. 2. p. 898, to 912.

3ly. In summoning, commanding Archbishops, Bishops from time to time by Sheriffs and Writs, not onely to make Certificates to the Kings Courts and Judges in cases of [d] *Matrimony* and *special Bastardy*, but likewise to summon all Deans, Archdeacons, Clerks, Prebends, Ecclesiastical Judges, Persons within their Provinces or Dioceses having Benefices, and no Lay-fees, to appear in the Kings Courts, *and bring their Bodies thither by a certain day*, to answer all Suites and Complaints there pending against them; when they refused voluntarily to appear upon Summons, especially for prosecuting Plaints, or holding Plea in Ecclesiastical Courts, of Lay-fees, Advowsons, Debts, Chattels, Contracts or Trespasses not belonging to them, against the Kings *Prohibitions*, in læsionem Coronæ et dignitatis nostræ Regiæ; and seising their Temporalties, *attaching*, *fining* and *imprisoning their Persons*, for *wilfull neglects*, or *contempts* in such cases; which [e] *Bracton* thus more particularly relates as the Law and practice in that Age.

d See Bracton, l. 5. de Exceptionibus, c. 12. Fitzherberts and Brooks Abridgements, Tit. Bastardy. Bracton, l. 5. c. 2, to 16. Register of Writs, pars 2. f. 33, to 37.

Item excusari poterit Vic. propter privilegium Clericorum, *ut si præceptum Domini Regis habuerit* de attachiando aliquem qui Clericus sit, et qui plegios invenire noluerit propter privilegium Clericale, *nec laicum feodum haberet per quod posset distringi, nec debet Dominus Rex manus in eos mittere, & cum in eos coercionem non habeat*, maxime in delictis et transgressionibus, sicut in majoribus criminibus, nullum aliud supererit remedium, nisi quod ex parte Domini Regis mandetur Ordinariis loci qui Baronias habent, sicut Archiepiscopis, Episcopis, et aliis in quorum Dioceſibus tales sunt manentes, qui attachiari debent, vel beneficia Ecclesiastica habuerunt, et in quos Dominus Rex habet coercionem propter Baronias suas, quod faciant tales venire, et sic fiat talis Exotulatio. *A.* optulit se quarto die versus *B.* de placito tali, *&c.* Et *B.* non venit. Et præceptum fuit Vicecomiti quod attachiaret eum;

e Bracton, l. 5. c. 32. f. 442.

An. 56 H. 3. Et Vicecomes mandavit, quod prædictus *B.* Clericus est, & quod noluit plegios invenire, nec habet laicum feodum per quod potuit distringi; Et ideo mandatum est Ordinario loci, sicut Archiepiscopo, Episcopo, et hujusmodi, quod faciet talem Clericum venire ad talem diem, nisi talis sit, *quod fortè testatum sit quod talis Clericus habet laicum feodum, & catalla in laico feodo per quæ distringi possit.* Et *Vicecomes per fraudem mandaverit quod nihil habuerit, in quo casu, fiat ut supra de fraudibus Vicecom. Sed quid si Clericus præbendam habuerit, laicum feodum scilicet, & noluerit plegios invenire, queritur,* an Vicecom. eum distringere possit statim per præbendam? vel si cum præceptum habuerit de attachiendo retornum fecerit Ordinario, an Ordinarius distringere possit Canonicum per præbendam suam? videtur quod neuter, nec Vicecomes nec Episcopus; *Vicecomes non licet Warrantum haberet ingrediendi libertatem sine* Episcopo *vel alio Ordinario*, cum Episcopus sit caput Ecclesiæ, et Canonici membra. Item, Episcopus per talem retornum, sine speciale præcepto Domini Regis, cum Canonicus adeo libere teneat præbendam suam de Ecclesia, sicut ipse Episcopus Baroniam suam, et Canonici sunt quasi unum corpus per se in Ecclesia: Et quamvis Episcopus sit caput Ecclesiæ, tamen Canonici habent sua bona a bonis Episcopi separata, Et ideo cum Episcopus a Domino Rege speciale mandatum habuerit, ex hoc * incipit habere Jurisdictionem, et coercionem in Præbendis, quæ ordine observato. *Forma Brevis tunc talis est: H.* Dei gratia, *&c.* venerabili in Christo patri *B.* eadem gratia Episcopo *London.* salutem. Mandamus vobis quod venire faciatis coram Justiciariis nostris, &c. ad talem diem talem Archidiaconum, vel talem Decanum vel Canonicum ad respondendum *C.* de tali placito, &c. *ut supra. Et tunc addatur hæc Clausula:* Et unde Vicecomes noster *Midd.* mandavit præfatis Justiciariis nostris quod prædictus Archidiaconus, vel talis alius qui Clericus est, noluerit plegios invenire, nec habet laicum feodum per quod distringi possit, et habeatis ibi hoc Breve. Teste, *&c. Si autem Episcopus nihil fecit ad mandatum Domini Regis, tunc fiat Irrotulatio, sic: A.* optulit se quarto die versus *B.* de placito tali, & *B.* non venit, & aliàs præceptum fuit Vic. quod attachiaret eum. Et Vic. mandavit quod Clericus fuit, *&c. ut supra:* et ita quod mandatum fuit Episcopo tali, quod faceret eum venire, et quod mitteret Breve, et ipse nihil inde fecit. Et ideo summoneatur Episcopus quod sit ad talem diem, et ibi habeat prædictum talem ad respondendum prædicto *A.* quare, &c. secundum Breve originale, et ad ostendendum, quare prædictum *B.* coram præfatis Justiciariis ad talem diem non habuit sicut ei mandatum fuit. *Forma Brevis talis est*; Rex Vicecom. salutem. Summone per bonos Summonitores *F. London.* Episcopum quod sit coram Justiciariis, &c. ad talem diem, et ibi habeat talem Archidiaconum, vel talem Clericum, ad respondendum tali de placito quare, &c. *ut supra. Et in fine,* ad ostendendum quare non fecit eum venire coram Justiciariis nostris ad talem diem, sicut ei mandatum fuit, et quare non misit Breve, &c. *Ad quem diem aut facit eum venire, aut non facit; si autem non, tunc observabitur solennitas Attachiamentorum, sicut in aliis districtionibus*, et statim distringatur Episcopus per Baroniam suam, quod sit ad alium diem, et ibi habeat Clericum præfatum ad respondendum, &c. Et summoneat Episcopum quod tunc sit ibi auditurus judicium suum, quod præfatum Clericum non habuit ad talem diem, &c. sicut ei mandatum fuit, et fiat Irrotulatio sic: *A.* optulit se quarto die versus *B.* de tali placito, *ut supra.* Et *B.* non venit, & aliàs mandatum fuit Episcopo quod faceret eum venire ad talem diem. Ad quem diem non fecit eum venire, & ita quod præceptum fuit Vicecomiti quod summoneret eum quod esset ad hunc diem, & ibi haberet prædictum *B.* ad respondendum, *&c.* Et similiter, quod Episcopus esset ad ostendendum quare non fecit eum venire ad alium diem, sicut ei mandatum fuit. Et Episcopus non venit, nec habuit ipsum *B.* et ideo distringatur per Baroniam suam, quod sit ad talem diem; et ibi habeat prædictum *B.* ad respondendum, &c. Et ipse Episcopus sit auditurus judicium suum de hoc quod ipsum *B.* &c. *Forma Brevis talis est:* Rex Vicecomiti, salutem. Præcipimus tibi, quod distringas F. London. Episcopum per terras suas quas tenet in Baronia in Com. tuo, quod sit coram Justiciariis, &c. ad talem diem, et ibi habeat talem Clericum ad respondendum tali de tali placito, &c. Et similiter ad audiendum judicium suum de hoc, quod præfatum Clericum non habuit ad talem diem sicut ei mandatum fuit, et habeas, &c. Ad quem diem si non venerit Episcopus nec Clericus, procedatur contra ipsum Clericum de contemptu secundum considerationem Curiæ, et ne maleficia remaneant

* Nota.

neant impunita, apponat Rex manum suum in defectu Episcopi, ita quod Clericus arrestetur et detineatur quousque Episcopus eum petierit ex officio suæ jurisdictionis ut ei liberetur, vel ex certa causa detentus remaneat, nec propter hoc Vicecomes nec Ballivi sui pœnam incurrant, cum executio juris non habeat injuriam. Episcopus autem et Superiores possunt pro injuria, et pro crimine arrestari. By all which Forms of Legal Process and Proceedings both against our Archbishops, Bishops, and other Clergy-men of inferiour degree in that Age, the Soveraign Jurisdiction of King *Henry* and his Temporal Courts, and Judges over them as his Ministers, is most perspicuous to all the World. *An.* 56 H. 3.

4ly. This his, and his Courts of Justice Soveraign Jurisdiction over them, was likewise evidenced by several sorts of Writs and Mandates then frequently issued to our Archbishops, Bishops, Ecclesiastical Judges and Ordinaries for several purposes and occasions, commanding them to do and execute, or prohibiting them not to do or perform such or such Actions relating to their Episcopal Jurisdictions or Functions; witness these Writs of *Quare impedit*, *Quare Incumbravit*, *Quare non Admisit*, *De Clerico Admittendo*, *De Copia Libelli deliberanda*, *De Cautione admittenda*, *De Assisa Ultimæ Præsentationis*, *Cessavit de Cantaria*, *Ne admittas*, *De Nonresidentia pro Clericis Regis*, *De Præsentatione ad Ecclesiam*, *Præbendam*, *Capellam*, &c. *De Revocatione Præsentationis*, *De Permutatione Beneficiorum*, * *De Residentia facienda*, and other Writs of like nature, whereof there are multitudes (over-tedious to transcribe) in the *Clause* and *Patent Rolls* of King *Henry* the 3d. since printed in *Bracton*, the *Register of Writs*, the *Old and New Natura Brevium*, and *Books of Entries*; and their punishing them by legal Actions, Attachments, Fines, seisures of their Temporalties, Persons, and Judgements against them, in Temporal Courts for their neglects or contempts therein.

* Here, Tom. 2. p. 1011, 1012. 1200.

5ly. It most evidently appears by this Kings and his Judges taking no notice of, but rejecting all * *Excommunications* or other *Ecclesiastical Censures* denounced against any of his Subjects by the *Pope* or his *Delegates*, not allowing them to be certified and pleaded in *barre* in any of his Courts of Law. By his and his Judges strict Examinations of the Justice and legality of all his Archbishops, Bishops, or other Ecclesiastical Judges Censures, Excommunications denounced against any of his Subjects, causing them to be put in due execution when concluded by him and his Judges to be just, legal; but superseding, * commanding, inforcing them to be repealed, and the Subjects to be absolved from them, yea enlarged out of Prison, if taken by *Capias Excommunicatums*, when adjudged to be illegal, fraudulent, vexatious, issued against his Prohibitions, or after Appeals, and awarding damages to the Parties injured, for their vexation; as the premised Instances, and these Passages of *Henry de Bracton* flourishing under him, most clearly demonstrate.

* See Here, p. 69.

* See Here, f. 104, 107, 108, 114, 115.

* *Competit etiam tenenti exceptio dilatoria, ex persona petentis*, eo quod separatus est a communione gentium, *propter lepram quæ est in anima*, ut si fuerit specialiter excommunicatus, *quia sicut quis poterit habere lepram in corpore, ita & in anima.* Excommunicato enim interdicitur omnis actus legitimus, ita quod agere non potest nec aliquem convenire, licet ipse ab aliis possit conveniri. *Qui autem hujusmodi exceptionem apposuerit*, oportebit eum habere probationem, quia simplici voci tenentis non erit fides adhibenda, nec etiam cujuslibet de populi testimonio, quia oportebit eum qui excipit in hoc casu, habere literas Ordinarii, sicut Archiepiscopi, vel Episcopi, vel alterius Judicis Ordinarii, vel Delegati, rei veritatem testificantes, quod talis nominatim excommunicatus sit; et ex tali causa: vel si Ordinarius præsens sit, et hoc testificetur viva voce. Funestam enim vocem interdici oportet, potius quam audiri; nec solum vox eorum interdicitur, sed si quid ab ipsis fuerit impetratum, firmitatem non obtinebit. Cum excommunicato autem nec orare, nec loqui, nec palam, nec absconditè; nec vesci licet, exceptis quibusdam personis. But was the Bishops and Ordinaries Sentence and Excommunication then conclusive to the Party, King, or Judges, that they might not except against, or examine the reason and legality of it, for the Subjects relief, if injured or grieved by it, without appealing against it to the Archbishop or Pope? No verily, for he subjoyns in the same Chapter, that the Party himself might thus except against it, when pleaded. *Item dicere poterit, quod si excommunicatus fui, hoc fuit de facto*, quia nulla subfuit causa alia, nisi quod Judici Ecclesiastico obtemperare noluit

* Lib. 5. De Exceptionibus, cap. 23. fol. 426, 427. See Fitzh. and Brookes Abridgement, Tit. Excommengement.

An. 56 H. 3. noluit cognoscenti de laico feodo, vel de catallis et debitis quæ non sunt de Testamento vel Matrimonio, et unde hora congrua exhibui eis literas Domini Regis prohibitorias ne procederent, et quibus prædicti Judices differre noluerunt. *Item responderi poterit*, quod excommunicatio nulla fuit, vel injusta, quia a tali Sententia rite fuit appellatum, et plures alias prætendere poterit responsiones ad tuitionem status sui, sed ad manum statim habeat probationem, quia cum extiterit de excommunicatione, de absolutione constare oportebit. (All which particular allegations the Kings Judges were to examine and determine.) *In fine verò notandum*, quod ubi quis fuerit rite excommunicatus, et in ea pertinacia et excommunicatione pertinaciter perseveraverit per 40. dies, claves Ecclesiæ contemnendo, tunc (ut gladius gladium adjuvet) ad mandatum Episcopi vel ejus Officialis capiatur excommunicatus. Sed nunquam capietur aliquis ad mandatum Judicum Delegatorum, et Archidiaconorum, vel alterius Judicis inferioris; quia Rex in Episcopos coercionem habet propter Baroniam. Cum autem talis capi debeat rationabili de causa, cum Cancellarius literas Episcopi reciperit, fiat Breve in hac forma: Rex Vicecomiti, salutem. Significavit nobis venerabilis Pater *N.* per literas suas patentes, quod talis ob manifestam contumaciam suam excommunicatus est, nec se vult per censuram Ecclesiasticam justiciare. Quia vero potestas Regia sacrosanctæ Ecclesiæ in suis querelis deesse non habet, *(when just)* tibi præcipimus, quod prædictum talem per corpus suum (secundum consuetudinem *Angliæ*) justicies, donec sacrosanctæ Ecclesiæ tàm de contemptu quàm de injuria ei illata ab eo fuerit satisfactum. Teste meipso apud *Westm.* &c. *Qui cum captus fuerit & Ecclesiæ satisfecerit*, deliberabitur ad mandatum Episcopi per tale Breve. Rex Vicecomiti, salutem. Quia venerabilis Pater talis Episcopus significavit nobis, quod talis quantum ad mandatum suum, vel ad mandatum talis venerabilis Patris talis Episcopi, à te capi, & per totum corpus suum tanquam contemnentem claves Ecclesiæ justiciarii præceperimus, beneficium absolutionis impendit, tibi præcipimus, quod a prisona nostra qua detinetur, ipsum deliberari facias quietum, &c. *Et notandum*, quod ad nullius mandatum deliberari debeat, *nisi ad mandatum Domini Episcopi; nec antequam ipse mandaverit quod Ecclesiæ sic satisfecerit*, nisi captus fuit per falsam suggestionem Ordinarii, vel aliorum Prælatorum, vel si per malitiam Adversarii, ut eum excludat ab actione quam versus eum instituit. (A common practice in that and succeeding Ages, to maintain the usurped Jurisdiction of these Court, and bring much grist to their Mills. To prevent which the King and Judges ordained this remedy:) Et si ita, tunc fiat tale Breve ad ipsius deliberationem. Rex Vicecomiti, salutem. * Ostensum est nobis ex parte talis, quod cum aliquando appellasset quendam talem in Comitatu tuo de Roberia & hujusmodi, & tibi à nobis præceptum esset, quod talem appellatum attachiares: Idem apellatus ut ipsum talem appellantem gravaret, et appellum suum adnihilaret, falso suggessit Episcopo tali, quod idem appellans in quadam excommunicatione perseveravit contumaciter per quadraginta dies et amplius, et ita quod literas ab eodem Episcopo impetravit ad nos directas, quod extenderemus brachium seculare, per cujus deceptionem idem appellans captus est, et in prisona nostra detentus, ut dicitur. Et quia nemini debet fraus sua patrocinari, tibi præcipimus, quod si prædictus talis appellans fecerit te securum de clamore, &c. tunc pone per vadium, &c. prædictum talem appellatum, quod sit coram, &c. inde responsurus. Et interim facias prædictum talem appellantem deliberari a prisona nostra, *nisi captus fuerit alia occasione quare deliberari non debeat.* Teste, *&c. Si autem fortè captus non fuerit*, et Judex aliquis maliciose suggesserit Episcopo, quod quis excommunicatus fuerit, fiat Breve Mic. de non capiendo talem, ut supra de * prohibitionibus. Besides the Party in such cases, by a Suit at Law against the Prosecutor and Judge, might then recover his full damages for his illegal vexation and imprisonment; and the Prosecutor and Judge be also fined, imprisoned for their usurpations and contempts against the Kings Crown, Dignity, and Writs of Prohibition.

* See the Register of Writs, parts, 2. f. 65, 66. Fitz. Nat. Brev. f. 63, 64.

* Lib. 5. cap. 11, 12.

6ly. This King evidenced his Ecclesiastical Soveraignty, by his own, his Nobles, Commons, Parliaments frequent publick oppositions, and Prohibitions, not only against Papal Extortions, Provisions, Innovations, but likewise against all Canons and Constitutions made by Popes, Prelates, Clergy-men in General Councils at *Rome* or elsewhere abroad; or in National, Provincial or Diocesan Councils or Synods in *England*, derogatory or prejudicial to the Rights or Prerogatives of

of his Crown and Royal Dignity, or to the Laws and Cuſtoms of the Realm, or Inheritances, Free-holds, or Liberties of his Subjects; as is evident by his **forecited Writ* prohibiting the *publick reading of the Canon Law in Schools*, the Prohibitions iſſued by him to his Archbiſhops and Clergy in their Councils, not to act or enact any thing to the prejudice of his Crown, Prerogative, Dignity, Realm, his Prohibitions and Appeals * againſt the Canons and Conſtitutions of Archbiſhop *Boniface* and his Suffragans; and all the fore-mentioned Prohibitions, Attachments reſtraining their uſurped Juriſdictions, and encroachments upon his Crown, Laws, Temporal Courts, Subjects properties or Liberties, by colour of Popes, of General Councils, or their own Canonical Conſtitutions, which they endeavoured to advance above the Kings Prerogative, the Laws and Cuſtoms of the Realm in Caſes of *Baſtardy* and other particulars; and that by pretext of his general Clauſe in the Great Charter of Liberties, frequently confirmed by him, Chap. 1. *Quod Eccleſia* Anglicana *libera ſit, & habeat omnia jura ſua integra, & libertates ſuas illæſas*; which was intended both by the King, Nobles, Parliament, only *of* * *ſuch legal Rights and Liberties, as the King and his Royal predeceſſors had formerly granted and confirmed to them and their Churches*, by their Royal Charters, conſiſtent with the Rights and Priviledges of the Crown, the Laws of the Realm, and his *Lay Subjects* Liberties; whereof he, his Juſtices, and Temporal Courts were the proper and ſole Judges: not ſuch as Popes in or by their *Bulls*, or the Clergy themſelves in or by their own *Councils*, *Synods*, *Canons* or *Conſtitutions* ſhould declare, define, enlarge, create, or uſurp at their pleaſures, to advance their Juriſdiction above, or extend it beyond its ancient legal boundaries. All which particulars I thought meet to obſerve, for the honour of the *Common Laws* of *England*, and the Judges and Profeſſors of it in that Age; Wherein though the Lord Chancellors, Treaſurers, with other Chief Officers of State, and ſundry of the Judges were Archbiſhops, Biſhops, Popes Legates, and Delegates, by means whereof they much advanced the Popes and their own Juriſdictions by degrees, to the prejudice of the Crown, the Kings Temporal Courts, and Subjects Liberties; yet they could never ſubvert, undermine, or overthrow the Common Laws, and Liberties of the Realm, nor Kings Prerogatives, grounded on, ſupported by them, and by his Temporal Judges, Nobles, Officers entruſted with their execution; the chief Supporters of him and his Prerogative, againſt all Papal and Prelatical uſurpations or underminings. I ſhall therefore conclude King *Henry* the 3d. his *Reign*, and this *Chapter*, with * *Bracton's* reſolution, Ipſe autem Rex non debet eſſe ſub homine, (therefore not under the Pope or any other Prelates) ſed ſub Deo, et ſub Lege, quia LEX FACIT REGEM: ATTRIBUAT IGITUR REX LEGI, QUOD LEX ATTRIBUIT EI, videlicet DOMINATIONEM ET POTESTATEM; non eſt enim Rex ubi dominatur Voluntas et non Lex.

An. 56 H. 3.

* Here, pag. 86, 87.

* Here, Tom. 2. p. 983, 990, 991.

* See Cookes 2 Inſtit. p. 2, 3, 4.

* Lib. 1. cap. 9. f. 5.

Caſual Omissions.

HERE, page 62. line 59. after *vobis*, this paſſage and Letter was caſually omitted in its proper *ſeries*. I likewiſe found this Letter of *Pet. Saracenus*, *S. de Lucy* and other the Kings Agents ſent to the Pope, fully informing him of *Falcatius de Briant* his proceedings in the Court of *Rome* to procure his reſtitution to the Kings favour, and of his apprehenſion, impriſonment in *France*, and their endeavours with *Otho* the Popes Legate, and the Court of *France* by the Legates means to detain him ſtill a priſoner, and hinder his return into *England*.

An. 9 H. 3.

REverentiſſimo Domino ſuo *H.* Dei gratia illuſtri Regi *Angl.* Domino *Hiberniæ*, Duci *Normann. Aquit.* & Comiti *Andegaviæ*; devoti ſui *P. Saracenus*, *S. de Eketon*, *S. de Lucy*, devotam in omnibus reverentiam. Noverit Excellentia veſtra quod ego *P. Saracenus* veniens ad Legatum die Lunæ proxima poſt Aſſumptionem beatæ *Mariæ* apud *Andomarum*, audivi ab ipſo quod ad illum acceſſerat die præcedenti *Johannes Lemovicen.* porrigens ſibi litteras Domini Papæ pro *Falkaſio*, ut procuraret quod pacifice morari poſſit in *Francia* dum habuerit neceſſe, et ſcripſerunt vobis multi Cardinales adjicientes, quod idem *F.* rediens a Sede *Romana* captus eſt à quodam Milite in *Burgundia* & detentus, ſcilicet *Anſelmo de*

Anno 9 H. 3. in Turri Lond.

Dinne,

An. 9 H. 3. *Dinne*, quem *F.* quandoque cepit in *Anglia*, & detinens eum diu captum, tandem multam pecuniam ab eo extorsit, ac ejusdem *Johannis* instancia jam scripserat Legatus Regis *Francie* et Ducissæ de *Burgundia* pro deliberacione dicti *F.* ignorans penitus, quod aliquid contra vos vel Majestatis vestræ dignitatem optinuisset vel optinere potuisset in Curia; credens adhuc firmiter, quod Magister *O.* Nuncius Papæ tantum ad hoc veniret, ut preces vobis offerret pro dicto *F.* Verum cum litteras vestras quas ex parte vestra Legato attuli inspexisset, advertens prudenter et diligenter quæ, quot, et qualiter cedebant in vestræ dignitatis læsionem evidentem, et alia pericula quæ ex hoc vobis, quod absit, imminebant; admirans facilitatem et instanciam ejusdem et aliorum quorundam eidem assistencium versuciam et ingratitudinem, vestræ condolens Magnificentiæ, et ——— studens attente, quomodo vestræ provideret indempnitati, vocato ad se Magistro *Ada de Magno ponte* Clerico Regis *Franciæ* qui tunc aderat, eidem patefecit, quod præfatus *F.* multa in Curia in sui ipsius præjudicium & dedecus procuraverat, injungens eidem, quod ea cum festinatione Domino suo Regi *Franciæ* cautè & sine scandalo insinuaret. Nos autem *S.* & *S.* die *Jovis* sequenti ivimus ibidem ad Legatum, & auditis supradictis ab ipso, tractavimus communiter sollicitè quâ viâ melius processus supradicti Nuncii ——— dari, saltem quousque nos a Curia *Romana* reverteremur, & tandem in hanc formam descendit Legatus, quod cum Magister (*O.* accederet) ad ipsum, persuadebit ei, ut nullatenus recedat à regno *Franciæ* priusquam sæpedictum *F.* liberaverit, et ejusdem *F.* detencio ita procurabitur in quantum poterit Legatus sine scandalo quod sufficiens tempus nobis supererit de revertendo, Deo dante, antequam ille *F.* (intelligat) hanc intencionem (nostram.) De voluntate Legati consensimus in hoc, ut Magister *E. de Eketon*, qui Magistros *Simonem de Langetote*, & *Adam de Magno ponte* notos habet, festinanter ad illos accedat impetraturus ab illis, & per illos, & pro posse suo quæ erga Regem *Franciæ*, Ducissam *Burgundiæ*, & prænominatum *Anselmum* crediderit expedire, afferens secùm literas Magistri *P. de Colle* —— scribentis efficaciter *Silvanectrino* Episcopo & Domino *B. de Rote* super eodem; nec erit dictus Magister *E.* eis suspectus quasi pro nobis laboraret, quia credetur quod negocium Domini *Cant.* in hac parte gerat, contra quem sæpedictus *F.* fecit notorium, & multa proposuit —— (Quod) si per liberacionem *F.* quod absit, vel alia ratione præmissa non procedant, Legatus ostendet Magistro *O.* litteras quas à vestra Majestate suscepit, multas persuasiones dicturus eidem per quas sufficienter moveri debebit, quod nec tutum nec honestum erit ei, ut progrediatur in *Angliam* antequam secundam super hoc receperit a Domino Papa jussionem, et de voluntate et consilio Legati processit Dominus *P. Saracenus* ad Magistrum *O.* ut iram & indignationem (vestras contra *F.* propter contumacia) vobis illata ei manifester, ut sic cum venerit ad Legatum facilius inducatur ad propositum. Et vult Legatus omnibus modis quod Dominus *P.* una cum Magistro *O.* revertatur ad ipsum, ut plenius per eum instruatur quid facturus est idem *O.* et de his quæ a Domino Papa eidem *O.* sunt injuncta, et quæ fuerit intencio Papæ super eisdem; nam talia forsitan poterit ei præsenti revelare quæ scriptis nullatenus committeret. Legatus autem si aliqua inductione potuerit Magistrum *O.* in partibus *Franciæ* retineret, omnia necessaria ei inveniet, & nos eidem Legato promisimus fideliter, licet hoc recusaret audire quod de hoc ei plenè satisfiet. Ad hæc, si nulla ratione potuerit sæpedictus *O.* retineri, & processerit in *Angliam*. Consilium etiam Legati, quod admittatur honorifice et subtiliter intendatis dilatoribus, primo cum tractatu audientes quomodo et ad quid venerit, unde deliberetis cum dilacione, super eisdem dicturi postea ei, quia quædam inveniistis proposita quæ vos & regnum vestrum tanguat, (& necessarium est) in hiis fidelium vestrorum uti consilio, et ad hoc quanta poteritis assignetur dilacio; ——— necesse fuerit producatur, ut in omnibus hujusmodi subsistat, quousque mandatum Domini Papæ inde habueritis. (Interim) cum omni (cavendum) diligencia ne pendentibus dictis dilacionibus discurrat per regnum, et inimici vestri in hac causa seu (propriis personis, vel) per interpositam personam vel literatorie, nullam habeant accessum ad ipsum in quantum fieri poterit, ne alias dum vos tractaretis de differendo ipsi suggerentes ei quæ vellent more consueto, et inducentes eundem ad scribendum Domino Papæ pro voluntate sua sequantur ——— quia illa scriptura (vim) inquisicionis de plano faciendæ optineret. Sanè ego *S. de Lucy* literas Domini Legati ——— quas Domino Papæ transmittit, & aliis Cardinalibus de quibus confidit specialius; nec visum fuit Legato expediens, ut

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ipſe ad aliquem de ſuprædictis, quia noverunt quod tantum veſtris agendis intendo, & in hiis quæ vos contingunt me maximè ſuſpectum haberent; ſet Magiſter *S. de Eketon* & ego Deo dante convenimus apud *Treicas* —— ad prænominatum Militem *Anſelmum de Dume*, ſi viderimus expedire: deinde, Domino —— proceſſuri uſque *Leon.* ſuper *Rodanum*, niſi forſan eundum viderimus melius per *Alemaniam*, expectaturi ibidem Dominum *P. Saracenum*, ut ſic ſimul proficiſcamur ad Curiam. Ex præmiſſis conjici poteſt, quod per 8. dies ad minus retardabimur ex eo quod idem *R.* vadit ad Magiſtrum *O.* & reverſurus eſt ad Legatum; & hoc noſtræ negligentiæ, ſi placet, non eſt imputandum: nos tamen interim pro poſſe noſtro non erimus inutiles. In receſſu latoris præſencium nichil certum audierat Legatus de adventu Magiſtri *O.* nec eciam quod adhuc veniſſet *Pariſiis*, & nondum reverſus fuit garcio Domini *P. Saraceni* quem miſit ad Magiſtrum —— cum litteris quas idem *P.* & ego *S. de Lucy* eidem *O.* ſcripſimus quando fuimus *London.* —— Dominus noſter —— ſcrinula tenere velitis ſecretiſſima quia ſunt ibi quædam quæ (ſecreta) tangunt Legati. Et ſicut nobis videtur, ipſe negocia veſtra quaſi propria eciam in hac parte ſibi aſſumit. Mittimus tranſcripta —— Papæ, & formam in qua ſcribit Cardinalibus; & dixit quod expedit ut —— tangit —— rationes ſuſpectus —— videatur; Semper vale. *An.* 9 & 21 Hen. 3.

By this Letter we may clearly diſcover the hypocritical carriage, diſſimulation, and *Machiavillian* policies of Popes, Legates, Cardinals and *Romiſh* Agents in that Age.

Here, p. 92. l. 14. after *decimo*, this ſhould have been inſerted; I likewiſe found this Bull of Pope *Gregory* and *Otto* his Legate to *Walter* Biſhop of *Coventry*, to abſolve his beloved daughters the Nunnes of the Monaſtery of *Cornebury*, from the obſervance of the Hoſpitalers of *Jeruſalem*, whoſe Habit they had then taken upon them out of ſimplicity; and to profeſs the Rule of Saint *Auguſtine* in that Monaſtery, there to ſerve God in it; which was delayed and oppoſed for five years ſpace by the Hoſpitalers oppoſition: whereupon he ordered his Legate upon the Nunnes requeſt to ſee it executed: this Bull, with Appeals and proceedings thereon I found in the *White Tower*, in this Inſtrument. *An.* 21 H. 3.

In Turri London. An. 1237.

OMnibus Chriſti fidelibus ad quos præſens ſcriptum pervenerit, *Walterus* divina miſeratione *Wigorn.* Eccleſiæ Miniſter humilis, ſalutem in Domino. Literas venerabilis patris Domini *O.* Dei gratia Sancti *Nicholai in Carcere Tullian.* Diaconi Cardinalis, Apoſtolicæ ſedis Legati ſuſcepimus in hæc verba; *Venerabili in Chriſto patri & amico chariſſimo*, W. *Dei gratia* Wigorn. *Epiſcopo*, Otto *miſeratione Divina Sancti* Nicholai in Carcere Tulliano *Diac. Cardinal. Apoſtolicæ ſedis Legatus, ſalutem in Domino. Literas Domini Papæ ſuſcepimus ſub hac forma.* Gregorius *Epiſcopus, ſervus ſervorum Dei*; *dilecto filio* O. *Sancti* Nicholai in Carcere Tulliano, *Diac. Card. Apoſtolicæ ſedis Legato, ſalutem & Apoſtolicam benedictionem. Meminimus nos dudum venerabili fratri noſtro Epiſcopo* Coventrenſi *dediſſe noſtris literis in mandatis, ut dilectis in Chriſto filiabus, Sororibus Monaſterii de* Cornebur. Hereforden. *Dioc. ab obſervantia Ordinis Hoſpitalis* Jeroſolimitan. *cujus Habitum ex quadam ſimplicitate ſuſceperant abſolutis, paratis beati* Auguſtini *Regulam profiteri concederet, ut ſecundum ipſam valerent ibidem vivere, & dignum Domino reddere famulatum. Maximè cum in ordine Hoſpitalis ipſius non conſueverit fieri Collegium Dominarum. Verum cum negotium hujuſmodi propter fratrum dicti Hoſpitalis in* Anglia *difficultates & dilationes innitas per quinquennium & amplius protelatum perduci non potuerit ad effectum*, Procuratoribus tandem partium propter hoc apud ſedem Apoſtolicam conſtitutis, *venerabilem fratrem noſtrum* Sabinen. *Epiſcopum conceſſimus auditorem. Nos igitur ab eodem nobis fideliter recitatis quæ Procuratores ipſi propoſuerunt coram eo, tàm prædictorum Fratrum, quàm Sororum ipſorum honeſtati ex officio noſtro ſalubriter ac factu finaliter providere*, nolentes ut idem negotium ulterius per inania minime deducant, diſcretioni tuæ per Apoſtolica ſcripta mandamus, quatinus præfatas Sorores Regulam beati Auguſtini profiteri volentes, ab obſervantia Ordinis memorati Hoſpitalis abſolvens, ipſarum Habitu depoſito ex profeſſione recepta, concedas eiſdem ut ſecundum jam dictam Regulam ibi vivere valeant, & *dignum Domino reddere famulatum*; *Hoſpitalis prædicti & cujuſlibet alterius in omnibus aliis jure ſalvo.* Contradictores per cenſuram Eccleſiaſticam appellatione poſtpoſita compeſcendo. *Datum* Viterbii, 27 *die* Auguſti, *Pontificatus noſtri anno undecimo.*

Hujus

An. 21 H. 3. *Hujus igitur authoritate Mandati discretum Magistrum* Petrum de Burdella *Clericum nostrum ad præfatum Monasterium de* Cornebur. *nuper duximus destinandum*, qui voluntate Monialium ibidem degentium singulatim et diligentius inquisita, reperuit quod partes suas earund. volunt juxta mandatum Apostolicum beati Augustini Regulam profit. in ea grata obsequia Domino exhibere, *prout tàm ex fideli relatione præfati Magistri, quàm ex literis inde confectis ipsius Monasterii & fratrum Nunciorum* Hereforden. & Wigorn. *sigillis munitis edidicimus evidenter. Nos igitur de prudentia vestra obtinentes fiduciam pleniorem, Paternitati vestræ authoritate qua fungimur mandamus, quatinus accedentes personaliter ad Monasterium supradictum, & prædictas Sorores quæ volunt beati* Augustini *regulam profiteri*, ab observantia Divinis Hospital. Jerosolimitani penitus absolventes, post ipsarum habitum depositum, et professionem receptam, *concedatis eisdem*, ut juxta provisionem summi Pontificis, secundum jam dictam regulam ibi vivere valeant, et dignum Domino reddere famulatum, *præfati Hospitalis & cujuslibet alterius in omnibus aliis jure salvo.* Contradictores per censuram Ecclesiasticam compescendo. *Datum* Certesiam, 7. *Kal.* Novembris, *Pontificatus Domini* Gregorii *Papæ* 9. *anno undecimo.*

Hujus igitur authoritate mandati ad dictum locum de *Cornebur.* personaliter accedentes, ab omnibus ipsius loci Monialibus propter quam actibus quæ post ipsarum voluntatem Magistro *P. de Burdella* tàm viva voce quàm literis declaratam, ipsas revocaverunt, exceptis etiam duabus quæ nunquam consenserunt juxta formam mandati nobis directi, Hospitalariorum habitum deposuimus, & earundem Monialium ad observantiam regulæ beati *Augustini* professione recepta, eis concessimus, ut ibi secundum eandem regulam viverent, et dignum Domino redderent famulatum. Et in testimonium hujus rei tàm nostrum quàm venerabilis fratris Domini *Herefordens.* Episcopi; & de *Bora*, & de *Carlym.* Abbatum; & de *Wurmesleg*, & de *Rilpet*, & de *Ewyar* Priorum, & Decan. & Præcentoris *Hereford.* qui personaliter negotio prædicto interfuerunt huic scripto apposita sunt sigilla. Actum anno gratiæ 1237. pridie Non. *Novembris.*

Dictus etiam Procurator petiit, & respondit hoc modo; petit Procurator Priorissæ & Conven. de *Cornebur.* quod Procurator Hospital. exprimat verum quod suum locum à Dom. Papa pro Sororibus, vel post sententiam & ejectionem à Domino Legat. Sorores de *Cornebur.* admiserunt quamplures alias Fratribus irrequisitis, nec consentientibus, contra obedientiam eis debitam & professionem eorum emissam; ut idem Procurator dicit; quod si ——— sententiam comper. una defensio si est, competit alia, ——— & ad hoc, quod Procurator Hospital. petit Sorores admissas à domo amoveri, et domum fratribus restitui. (Dicit) Procurator, Priorissæ et Conventus, quod hoc fieri non potest propter authoritatem judicatæ, qua continetur, quod dictæ Sorores ibidem vivere debent, et dignum Deo reddere famulatum.

Die *Lunæ* Kalend. *Martii*, Magister *Petrus* Procurator Hospital. *Jerosolim.* comparuit contra Dominum *W. de Lacy*; Prioriss. & Convent. de *Cornebur.* per Magistrum *W. de Bacon* Procuratorem sufficienter constitutum, comparentes, qui quidem Magister *W.* ——— cavit sub pœna trium Marcarum sterling. pro Domina *S. E.* de *Lacy*, quod prox. die litis ratum habebit quod nomine suo faceret, & sufficienter comparebit in causa processura, prout dictaverit ordo juris: cui Procuratori & defensori libell. subscript. & traditi erant sub hac forma. Coram nobis, venerande Pater *O.* miseratione divina, *&c.* proponit Procurator Hospital. *Jerosolimitan.* contra dictum *S. E.* de *Lacy*, quod cum domus de *Cornebur.* cum omnibus ad eam pertinentibus, eis caritative collata fuisset, iidem Hospitalar. quasdam Sorores ordinem ipsorum professas illic admiserunt, & dictæ Dominæ *S. E.* de *Lacy* ad horum instanciam custodiam temporalium domus prædictæ concesserint. Sed ipsa *E. R.* processu temporis ex fide non agendo, ingressum dictæ domus eisdem, ut valuit & voluit penitus fecit denegari; ac quasdam ex Sororibus prædictis habitum ipsorum deponere induxit, & quinque ex ipsis habitum deponere nolentibuss simul cum fratre eorum Presbytero illic existente nomine eorum abinde recedere coactis, mulieres quamplures eis penitus irrequisitis, illic fecit admitti in eorum prejudicium & gravamen. Petunt igitur mulieres sic admissas abinde penitus amoveri, domumque prædictam cum suis pertinentiis sibi restitui, Custode prædicta taliter versata; adjecta petunt, etiam si placet Fratrem & Sorores prædictas ab nunc ad domum suam restitui, & expensas circa eis factas eis refundi, quas æstimant 10. libr. sterlingorum,

hæc

hæc divisim proponunt, ut quatinus probaverint incurrant proponunt, & prædict. contra Dominum *W. de Lacy* virum prædictæ *S. E.* ut si sua credit interesse, pro jure suo proponat prout sibi viderit expedire. *An.* 21 & 32 Hen. 3.

Proponit etiam, quod cum eadem Domus cum omnibus ad eam pertinentibus eis caritativè fuisset collata, iidem quasdam Sorores ordinem ipsorum professas illic admiserint, & Dominæ *S. E.* de *Lacy* ad suam instantiam custodiam temporalium domus prædictæ concesserunt. Sed ipsa *S. E.* processu temporis ex fide non agendo, ingressum dictæ domus eisdem, ut valuit & noluit, penitus fecit denegari, & quasdam ex Sororibus prædictis habitum ipsorum deponere induxit, & quinque ex ipsis habitum deponere nolentibus simul cum fratre eorum præsentes illic existentes, nomine eorum abinde recedere, cæteras Sorores quæ illic remanserunt mulieres quamplures eis penitus irrequisitis nec consentientibus illic in Sorores admiserunt; contra obedientiam eis debitam, & earum professionem emissam, & in eorum præjudicium & gravamen. Petunt igitur mulieres sic admissas penitus inde amoveri, domumque prædictam cum suis pertinentiis sibi restitui. Petunt etiam Fratrem & Sorores prædictas ab Nuncio ad domum suam restitui. Hæc autem proponunt contra prædictas mulieres alias admittentes, ut si sua credant interesse principaliter, sive secundario pro jure suo proponant & defendant, prout sibi viderint expedire, *H.* dicentes salvo sibi jure, *&c.*

Ad respondendum autem prædictis libellis præfixus est dies coram Domino *Gualtero*—— dies *Lunæ* prox. ante Annunciationem beatæ *Mariæ* proximo venientem.

Dies *Veneris* ———— *Willielmus de Baconia* Procurator Priorissæ & Convent. *Cornebur.* Domini *Gualteri* delatis, & Domine *Margar.* ———— pro eis opposuit exceptionem rei judicatæ dicens sicut his, *&c.*

Here, fol. 114. b. lin. 10. after *secundo*, this should have followed: The Bishop of *Bethlehem* the Popes Legate, with the Hospitalers and Templers in *Syria* sent this Letter to King *Henry* the 3d. about the 32d. year of his Reign, declaring their distressed condition and danger by reason of the power and successes of the *Babylonians*, their want of ayd against them from other Christian Princes, after many Letters and Messengers, and imploring his assistance with all earnestness, on whom they principally depended for the relief of the *Holy Land*, and for victory over and confusion of these enemies of the Cross of Christ, not extant in our Historians; which I rescued out of the rubbish in the *White Tower*. *An.* 32 H. 3.

EXcellentissimo ac Christianissimo Principi, Domino *Henrico* illustri Regi *Angliæ*; Frater *Thomas* de ordine Prædicatorum, miseratione divina *Bethleemitan.* Episcopus, Apostolicæ sedis Legatus, ejus ad Deum orator assiduus; Frater *Hugo Revel* humilis Magister domus Hospitalis Sancti *Johannis Jerosolimitan.* & pauperum Christi custos Frater *Thomas Berardus* humilis Magister domus *Militiæ Templi*, Frater *Mortymanus* Præceptor domus Hospitalis Sanctæ *Mariæ Theotameor.* & Magistri ejusdem Domus in regno *Syriæ* vicem gerens, & *Godefridus Sargm.* Miles in regno *Jerosolimitano*, *Baritus* cum devota *Terræ Sanctæ* recommendatione seipsos. Fervente dudum in *Syria* & invalescente persecutione —— quæ usque ad extrema Regionis nostræ occupans, totam terram Christianorum & populum cismarinum pluries timoris concussit tonitruis, & comminationum fulguribus jaculavit usque ad extremum defectum cordium & resolutionem virium generalem. Verum potissimè & aliorum Regum & Principum orbis terræ subsidium literis continuant ———— cismarina Christianitas imploravit, apud clementiam Regiam singultuosis insistens suspiriis, personans vocibus & conclamans, ut ejus clamor in aures Regias introiret, et clamoris sonus in fines orbis (aures) cunctorum fidelium penetrat, ut in ejus succursum exurgerent, et ad *Terræ Sanctæ* præsidium convolarent. Postmodum etiam *Tartarorum* ipsorum rabie quiescente, divina tamen gratia à persecutione respirans, cum totum respuet ab *Halapia* usque *Jerosolim. Saracenico* populo, quem *Tartari* consumpserat gladius, vacuat. & ex hoc acquirendi terram ipsam, & destructionem eorum qui supererant hostium in robur maximæ fidei & Christianitatis augmentum, acceptabile tempus Christi fidelibus adveniisse ad capiendam terram ipsam facili, & restituendam cultui Christiano, vestram, dictorumque Regum et Principum durit potentiam attento sollicitudinis studio per plures literas et nuncios procurandam. Sed illa quam in utroque concepta usque huc fiducia defraudata, ad

In Turri London. an. 32. H 3. See Mat. Paris, Hist. Angl. p. 807.

*An.*32 & 37 Hen. 3. præsens omni destituta subsidio, & ex destructione præterita magna oppressa Caristia, *Babiloniorum* est exposita faucibus, ut *Soldanus* ipse cum (exercitu) copioso totam Provinciam usque ad portas *Acon.* hostili jam occuparunt insultu, & spiritu superbiæ tumidus, vendicare sibi Civitates & Castra in suæ fortitudinis impetu comminetur, treugarum fide quas hactenus cum Christianis inierat non servata. In quibus omnibus non est qui redimat, neque qui salvum faciat, nec qui ferat auxilium, nec qui terram miserabilem consoletur ex omnibus caris ejus, circumspicit undique quærens in tribulatione subsidium, & non venit. Jacet obsessa canibus, nec invenit liberantem; Regionem nostram labore multiplici & gravibus expensis excultam, in temperamentum Caristiæ alieni devorant & circumquaque devastant; nec solus sine resistentia exteriorem infideles absorbent propriam ——— dilato ——— quam desperato subsidio fiduciam habent, ut in —— ipsorum castra influant, & marithimæ civitates maximæ quas cismarinæ Christianitatis parcitas minore non sufficit, & contra hostilem frequentiam defensare, quin potius quasi parvus grex in luporum medio constitutus, circumseptus undique ac direptus ubique suarum ovium deprædationem eo formidat, immensis quo frequentius prædictorum luporum molestat incursibus & discurrentibus exercitibus agitatur. Ut quis igitur, Rex inclite, Regia potentia non consurgit, & Regalis —— brachium non insurgit? usquequo exaltabitur contra nos Christiani nominis inimicus? quamdiu terra Christi sanguine rubricata conculcari tam enormiter à bestiis permittetur, quæ sic posset de facili libari & perpetua pace muniri, & in antiquum integritatis statum ——— de prædictis partibus resarciri? Cum enim aliorum hostium undique sublata formidine *Babiloniorum* timorem nocumenta supersint, & cæteris quodammodo spinarum aculeis ac fruc —— hostilibus dissipatis, *Babilonica* tamen radicis offendiculum habeat ——— cujus custodiæ tribulationes multimodas & periculosas inquietudines experitur. Ad extirpationem ipsius quam præsentis potissimè temporis opportunitas subministrat, adventus vester diutina oblatione præmissus et anxie ab omnibus expectatus sozet necessario festinandus, ut *Babilonis* nomen, et germen, et progenies, simul et reliquiæ pereerent. Ne qua de cætero radix hostilis amaritudinis sursum germinans supereesset quæ in eradicationem Christiani nominis efferatis animis consurrexit; & jam si radix illa nullis impedita, quod absit, obstaculis germinationem hostium fidei, & virium collectionem diutius permittatur excrescere, tunc pax subveniendi voluntas perficeret ubi foret congrui temporis possibilitas retardata. Meminisse debet magnificentia Regia damna gravia & injurias graviores quas gens *Babilonica* adversus Christicolarum exercitum pluries intemptavit; non quidem ex suo robore, set aut permissione divina juxta nostrorum & exigentiam prædictorum, aut ex multiplicatione roboris quæ sibi contra Christianitatem ex regnis *Saracen.* adjacentibus influebat; mox enim dum contra *Babiloniam* Christicolæ prævalerent, concurrebat undique infidelis populus infidelitatis suæ undique afferens fulcimentum: sed ubi *Baldaca*, *Mosa*, *Halapia*, & *Damascus*, opulentissima revera regna ——— nocissimæ civitates. Ex quibus utique si robur validum accedebat, si confortabantur brachia pessimorum nullus ambigit qui temporis illius supputat rationem, verum *Radye H.* pessima ramis his detruncatis quam de facili extirpationi pateat & eradicationi subjaceat leviorum, dictat non ——— comprobat manifestum. Proinde Celsitudinem Regiam flebilibus vocibus quantum possumus obsecramus in Domino Jesu Christo, quatinus felicem ac potentem vestrum adventum, vel saltem auxilium (quod in prædictæ terræ ——— defensionem, et confusionem inimicorum crucis Christi suspirantes et anxii expectamus) dignemini, sicut imminens requiret negotium, Crucifixi (amore) maturare, ut novissimis Deo auctore temporibus in perhenne nominis vestræ præconium, in Terræ sanctæ liberationem et pacem ex Regiæ strenuitatis potentia contra hostes residuos desiderata victoria subsequatur. Valeat Regalis magnificentia per tempora longiora. Dat. *Acon.* 4. die mensis *Aprilis*, sexto Indictionis.

*An.*37 H. 3. The memorable Epistle of *Robert Grosthead* Bishop of *Lincoln* to Pope *Innocent* the 4th. against his *Processions*, wherein he compares him to *Lucifer* and *ANTICHRIST*, is enrolled *in perpetuam rei memoriam*, in the *Red Book* in the Kings Exchequer at *Westminster*, fol. 16, & 179. to a transcript whereof I find this marginal Note, *PAPA ANTICHRISTUS*; no wonder then Pope *Clement* refused to Canonize him for a Saint, though † earnestly requested by King *Edward* the First. I shall

* Here, Tom. 2. p. 799, 800.

† Here, Tom. 3. 1134.

I shall close up this Chapter with the *Constitution* of *Walter de Suthfeld* Bishop of *Norwich*, *De libera dispositione primorum fructuum per Curatos testantes*; the violation whereof, and exaction of *First-fruits* of Benefices during their vacancies by our Bishops, was the * *original cause* of Pope *Clement*'s and his Successors usurpations of *First-fruits* in *England*. *An.* 40 H. 3.

* See Here, p. 1077.

Walterus Dei gratiâ Episcopus *Norwicensis*, dilectis in Christo filiis universis, Abbatibus, Prioribus, Archidiaconis, Officialibus, Decanis, Ecclesiarum Rectoribus, Vicariis, & omnibus Christi fidelibus per Dioceſim nostram constitutis, salutem, gratiam & benedictionem. Ad officium Pastorale licet indignè assumpti, & loco eminenti immeritò constituti, summo & pio desiderio affectantes, nunc benè operando, nunc mala extirpando dignos Domino fructus ex nostro impendere officio. Sanè recolimus, dum adhuc in minori officio essemus constituti, vulgariter esse dictum & obtentum; quod quilibet Rector, sive Vicarius nostræ Dioceſis, qui vivus diem Paschæ expectaret, de omnibus fructibus, nomine Ecclesiæ seu Vicariæ suæ, usque ad Synodum Sancti *Michaelis* proximò sequente percipiendis liberè, ut vellet, suum conderet Testamentum: Sed contra hanc consuetudinem à fundatione Ecclesiæ *Norwicensis*, prout novimus; & licèt nobis constat obtentam, à quibusdam voluntariè extitit introductam & servatam, quod fructus & bona Ecclesiarum vacantium à die Paschæ, usque ad Synodum Paschæ, non in usus Decedentium & Condentium legitimè Testamenta cederent, ut præmissimus; seu voluntati et dispositioni loci Diocesani relinquerentur omnino: propter quod, Status decedentium graviter lædebatur, & testantium frequenter non processit voluntas. Ut igitur Status Ecclesiæ & singulorum reparetur, & ad consuetudinem & libertatem debitam singula revocentur, Nos *Walterus de Suthfeld* Episcopus *Norwicensis* in Synodo sancti *Michaelis Norwicensis* præsidentes, de consensu Capituli, Dioceſani, & præsentis Synodi autoritate, omnibus existentibus in sanctâ Synodo hoc consentientibus, Definimus, statuimus, præcipimus; & concedimus, ut, juxta antiquam consuetudinem, quam renovamus, redintegramus, approbamus, & confirmamus, omnes Rectores, & Vicarii viventes die Paschæ, & ex tunc quicunque morientes usque ad Synodum sancti *Michaelis*, de fructibus & obventionibus beneficiorum suorum liberè, secundùm Deum sua condant Testamenta. Salvis nobis et successoribus nostris fructibus Ecclesiarum ante diem Paschæ vacantium, in quibus Rector die Paschæ non reperitur institutus. Et caveat sibi Episcopus, qui præest, & qui pro tempore fuerit, ne causa lucri inhonesti Canonice præsentatos, absque causâ rationali, usque post diem Paschæ, voluntarie differat admittere: Omnes autem illos, qui hanc nostram Constitutionem, concessionem, & libertatem infringere, immutare vel perturbare præsumpserint, sententiam Excommunicationis nostram ex præsentis sacrosanctæ Synodi auctoritate incurrant. In cujus rei testimonium præsentibus Sigillum nostrum, & sigillum Capituli nostri sunt appensa. Acta die Synodi die Lunæ proximò post festum sancti *Michaelis*, in Ecclesiâ sanctæ Trinitatis *Norwicensis* Anno Domini Millesimo Ducentesimo quinquagesimo quinto, & Consecrationis nostræ undecimo. Spelmanni Concil. Tom 2 p. 301, 302 ex vet. MS. penes Sam. Roper de Hosp Lincoln. Armig. fol. 136. b.

Declaratio dictæ Constitutionis per Dominum W. Bateman *Episcopum* Norwicensem *super quadam Consultatione sibi factâ per Vicarium de* Myldenhale.

TUA Devotio postulavit à nobis, an ad te qui in Vicariam de *Myldenhale*, per nos eras noviter institutus, an ad Executores prædecessoris tui, qui post Synodum Paschæ proximam præteritam diem suum clausit extremum, fructus & obventiones dictæ Vicariæ post inductionis tuæ tempus provenientes debeant pertinere? Tibique taliter respondemus; quòd Oblationes, Mortuaria, ac cætera omnia quæ ad Altare perveniunt, de consuetudine, vel de jure, ad te qui ad faciendum continuam residentiam & serviendum Altari juramenti vinculo es astrictus, debent integraliter pertinere: Decimæ verò garbarum, & talia extrinseca jura, quæ expositione ad Vicariam pertinere noscuntur, ad defunctum & Executores ejusdem, si de prædictis Decimis, & juribus, seu obventionibus specificè in Testamento disposuerit, pertinebunt. Si autem Testamentum fecerit, Ibid. f. 137. a.

An. 40 H. 3. & in Testamento suo nil à dictis Decimis seu obventionibus specificè vel expresse disposuerit; licet alia legata pecuniaria generalia vel specialia fecerit; tunc ad te, & non ad defunctum, vel ad suos Executores prædicta omnia & singula pertinebunt.

I pretermit the Constitutions of *Walter de Kirkham* Bishop of *Durham*, about the year 1255. and of *Giles de Bridport* Bishop of *Sarum*, which you may peruse at leisure in * Sir *Henry Spelman*; having never any legal force to oblige the King or Subjects of *England*, on whose *Crown* and *Liberties* many of them encroached.

* Spelmanni Concil. Tom. 2 p. 293, &c. 300, 301.

Having thus presented you with those *Records*, *Bulls*, *Prohibitions*, *Epistles*, and *Historical passages* relating to the Reigns of King *John* and *Henry* the 3d. omitted in my *Second Tome*, I shall now proceed in my *Chronological Method* to the Reign of King *Edward* the First in the ensuing Chapter, without any *Prologue* thereunto.

BOOK

BOOK V. CHAP. II.

Conteining several Records and Historical Passages, evidencing the Ecclesiastical Supremacy of our renowned King Edward *the* I. *in and over all Persons, Causes Spiritual as well as Temporal, in* England, Ireland, *and other his Dominions; His Oppositions against Papal, Prelatical Usurpations, Incroachments on the Rights of his Crown, Laws, Subjects Liberties. The Chief Transactions, Bulls, Letters between him and the Popes, Court of* Rome, *from the beginning of the* First, *to the end of the* Tenth Year *of his Reign; With some other particulars of Note, and publick concernment.*

An. 1 E. 1.

AFter the Death and Funeral of King *Henry* the 3d, in the year of our Lord 1272. as some; or 1273. as others compute it; Prince * *Edward*, his Son, Heir apparent to the Crown of *England*, being at that time in the *Holy Land*, toward which he began his Voyage *Anno* 1269. where he obtained many glorious Victories against the *Saracens*; who thereupon suborned an *Assassinate* to kill him, under pretext of delivering a Message to him from the *Soldan* of *Babylon*, who stabbed him into the body with a poysoned knife, to the hazard of his life: His Nobles notwithstanding his remote absence, wound, uncertainty of his life, and former Feuds between them, his Father and him, were so loyal, as to proclaim him King, and swear Fealty and Allegiance to him as their Soveraign Lord; thus related by *Mat. Westminster*, *Walsingham*, and others; † *Rege igitur sepulto, sicut mos est Regibus sepeliri*, Gilbertus & Johannes, *Comites* Glovernię & Warenniæ, *necnon Clerus & populus ad magnum Altare Ecclesiæ* Westmonaster. *celeriter properarunt*, Eadwardo ꝑimogento Regis fidelitatem jurantes, *qui si viveret penitus ignorarunt. Agebat enim in remotis partibus transmarinis, contra Christi adversarios bellaturus. Postmodum frater* Robertus Kilwardby, with the premised Earls, cum aliis ꝑælatis et regni ꝑoceribus, *ad* Novum Templum Londini *pariter convenerunt, qui* Eadwardum *absentem* Dominum suum ligium recognoverunt, *paternique successorem honoris: & facto Sigillo novo, de assensu Reginæ matris statuerunt Custodes Regni; & constituerunt fideles ministros & custodes, qui Regio fisco præessent, thesaurum regni ad opus Regis novi ex integro reservarent, & pacem regni fideliter custodirent. Sicque pax novi Regis* Eadwardi *in cunctis regni finibus proclamatur.* The Writs whereby they proclaimed the Kings Peace being not recited in our Historians, I shall here present you with out of the Records in the *Tower of London.* The first of them were directed to all the Sheriffs of *England*, to proclaim in their respective Counties; the other to the Kings Chief Justice of *Ireland*, to be there proclaimed, who with others was authorized likewise to receive the Fealty, as well of all the Archbishops, Bishops, Abbots, Clergy, as Nobles and other Lay-Subjects in *Ireland*, due unto him as their King and Soveraign Liege Lord.

* See Matth. Westm. Tho. Walsingham, Ranulph. Cestrensis, Fabian Caxton, Polid. Virgil, Grafton, Holinshed, Stow, Daniel, Sir John Hayward, How, Sir Rich. Baker, & others in An. 1 Edw. 1. Henry de Knyghton de Eventibus Angliæ, l. 3. c. 1.

† Flores Hist. pars 2. p. 352

Clauf. 1. E. 1. m. 11.

EDWARDUS Dei gratia Rex *Angliæ*, Dominus *Hyberniæ*, & Dux *Aquitaniæ*; Vic. *Eborum*, salutem. Quia defuncto jam celebris memoriæ Domino *H.* Rege patre nostro, ad Nos regni gubernaculum successione hæreditaria, ac ꝑoceꝝ regni voluntate et fidelitate nobis ꝑæstita, sit devolutum, per quod nomine nostro, (qui in exhibicione Justiciæ et ꝑacis conservacione omnibus et singulis de ipso regno sumus exnunc debitoꝛes,) pacem nostram dicti Magnates & fideles nostri jam fecerunt proclamari; Tibi præcipimus, quod per totam Ballivam tuam in singulis Civitatibus & Burgis, Feriis, Mercatis, & locis aliis, pacem nostram publicè clamari, & firmiter teneri facias; Inhibendo omnibus et singulis sub periculo exhæredacionis, vitæ et membꝛoꝛum, ne quis pacem nostram infringere ꝑæsumat: Nos enim

enim

An. 1 E. 1. enim omnibus et singulis in omnibus juribus et rebus ipsos contingentibus, contra quascunque tam majores quam minores, parati sumus et erimus plenam, auctore Domino, justiciam exhibere. Testibus *W. Eborum* Archiepiscopo, *E. Cornub.* & *G. Glonc. Comitibus apud *Westm.* 23. die *Nov.* anno regni nostri primo.

Consimiles literæ diriguntur singulis Vicecomitibus per *Angliam.*

The Writs and Patent sent to the Chief Justice of *Ireland* are thus recorded.

Pat. 1 E. 1. pars 2. m. 20. De Conservatione pacis in Hybernia.

REX dilecto & fideli suo *Mauricio* filio *Mauricii* Justic. suo *Hiberniæ*, salutem. Cum defuncto jam celebris memoriæ Domino *H.* Rege patre nostro, ad Nos regni *Angliæ* gubernaculum, et terræ *Hiberniæ* dominium successione hæreditaria pertinent, per quod nos qui in exhibicione et pacis conservacione omnibus et singulis de prædictis regno et terra sumus ernunc debitores, jam pacem nostram in eodem regno nomine Regio fecimus proclamari; Vobis mandamus firmiter injungentes, quod per totam terram nostram *Hiberniæ* pacem nostram publice clamari et firmiter teneri faciatis; Inhibendo omnibus et singulis de eadem terra sub periculo exhæredacionis, vitæ et membrorum, ne quis pacem nostram infringere præsumat; Nos enim omnibus et singulis de prædicta terra nostra *Hiberniæ* in omnibus Juribus et rebus ipsos contingentibus, contra quoscunque tam majores quam minores parati sumus et erimus plenam, auctore Domino, Justiciam exhibere. Dat. per manum *W. de Merton.* Cancellarii nostri apud *Westm.* 7. die *Decembris.*

Ibid. m. 10. De fidelitate Archiepiscoporum, Episcoporum, &c. de Hybernia Regi facienda.

REX Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Militibus, Liberis hominibus, & omnibus aliis de terra *Hiberniæ* ad quos, *&c.* salutem. Cum defuncto jam celebris memoriæ Domino *H.* patre nostro, cujus animæ propicietur Altissimus, ad Nos regni *Angliæ* gubernaculum, et terræ *Hiberniæ* dominium pertinent, ob quod Prælati, Comites et Proceres, ac communitas regni Nobis tanquam Domino suo ligio et Regi, fidelitatis juramenta, et omnia alia quæ Nobis ratione Coronæ et dignitatis Regiæ ab ipsis fieri aut præstari nobis, in absencia nostra, potuerunt, plenarie et sine omissione aliqua prompto et libenti animo præstiterint, ac vos tanquam Regi et Domino vestro ligio consimile sacramentum fidelitatis præstare tenemini; Dedimus potestatem venerabili patri *Middensi* Episcopo, & dilectis & fidelibus nostris *Mauricio* filio *Mauricii* Justic. nostro *Hiberniæ*, & Magistro *Johanni de Stamford* Escaetori nostro *Hibern.* potestatem recipiendi nostro nomine fidelitatem vestram; Ita tamen quod si ipsi omnes non potuerint interesse, duo vel unus eorum qui præsens fuerit nichilominus plenam habeat potestatem recipiendi nomine nostro fidelitatem vestram suprædictam. Et ideo vobis mandamus, quod sacramentum fidelitatis nobis præstetis coram prædictis Episcopo, Justic. et Escaetori, duobus vel uno ipsorum qui præsens fuerit, sicut ipsi vobis plenius scire facient ex parte nostra: Et hoc sicut honorem nostrum et vestrum diligitis nullatenus omittatis. In cujus, *&c.* Dat. per manum *W. de Merton.* Canc. nostri apud *Westm.* 7. die *Decemb.*

In a *Miscellany Bundle* of Writs, Letters, Patents, and Privy Seals (in the *White Tower* Chappel, which *Bundle*, among others, I rescued from rubbish and oblivion) sent in the first year of King *Edward* the 1. to *Walter Merton*, then Lord Chancellor, one of the Guardians of the Realm of *England* in the Kings absence, I found a like Writ issued to *Leuelyn* Prince of *Wales*, requiring an Oath of Fealty from him to King *Edward*, as his Soveraign Lord, and two Abbots thereby made Commissioners to receive his Oath, who refused to appear, or give any answer to them; as this Original Writ, with the Abbots and Constables of *Montgomeries* returns thereon to the Chancellor evidence.

Bundela Brevium, &c. An. 1 E. 1. nu. 1. in Turri Lond.

EDWARDUS Dei gratia Rex *Angliæ*, Dominus *Hybernia*, & Dux *Aquitaniæ*, omnibus ad quos præsentes literæ pervenerint, salutem. Cum defuncto jam celebris memoriæ Domini *H.* Rege patre nostro, (cujus animæ propitetur Altissimus) ad Nos regni gubernaculum successione hæreditaria pervenit; ob quod pacem nostram nomine Regio firmiter observandam, solempniter & publicè fecimus procla-

proclamari: ac Prælati, Comites, Barones, et cæteri Proceres regni, sacramentum fidelitatis, et alia, quæ ratione Coronæ et dignitatis Regiæ ab ipsis fieri seu præstari nobis in absentia nostra potuerunt, plenarie et sine omissione aliqua, prompte et libenti animo nobis præstiterint; Ac dilectus & fidelis noster *L.* filius *Griffini*, Principis *Walliæ*, nobis consimile sacramentum fidelitatis præstare tentatur, dedimus dilectis nobis in Christo, Abbatibus de *Dore*, & de *Hagheman* potestatem, recipiendi nomine nostro fidelitatem ipsius *Leulini*. Ita tamen, quod si non ambo ipsorum Abbatum potuerint interesse, alter eorum, qui præsens fuerit, nichilominus plenam habeat potestatem recipiendi nomine nostro fidelitatem *Leulini* prædicti. In cujus rei testimonium has literas nostras fieri fecimus patentes. Datas per manum *Walteri Merton.* Cancellarii nostri apud *Novum Templum London.* 29. die *Novembris*, anno regni nostri primo. *An.* 1 E. 3.

Unto which the Abbots made this special return of their proceedings therein to the Lord Chancellor, annexed to the Writ it self.

VEnerando viro, & omni honore dignissimo, *W. de Merton.* Domini Regis Cancellario; sui devoti de *Dora* & de *Haghem.* Abbates, salutem, & quicquid possunt honoris & reverentiæ. Reverendæ Dominationi vestræ duximus significandum, quod juxta mandatum Domini nostri Regis (quem conservet Altissimus) utrique nostrum literatorie per vos directum, in Octabis Sancti *Hilarii*, associatis nobis quibusdam hominibus de *Montgomer.* personaliter accessimus ad vadum ultra dictum Castrum, obviam Domino *L.* Principi *Walliæ*, ad recipiendum sacramentum fidelitatis suo dicto Domino nostro Regi; & apud dictum vadum satis tempestivè venientes, & multum ultra horam nonæ ibidem ipsius Principis adventum expectavimus; sed nec ipse venit, nec aliquod mandatum nobis direxit. Literas vero patentes dicti Domini nostri Regis, de potestate nobis tradita super præfato negotio, vobis remittimus. Valeat in Christo, *&c.* Ibidem.

EXcellenti viro & omni veneratione dignissimo, Domino *W. de Merton.* Domini Regis Cancellario; suus semper *R. Sperughose* Constabularius de *Montgomeri*, salutem & devotam cum omni honore reverentiam. Venerandæ Dominationi vestræ duxi significandum, quod viri religiosi, de *Dore* & de *Hagenham* Abbates, juxta mandatum Domini Regis per vos eis directum, in Octabis Sancti *Hilarii* personaliter accesserunt ad vadum ultra *Montgomeri*, obviam Domino *L.* filio *Griffini* Principis *Walliæ*, ad accipiendum ab eo, nomine dicti Domini nostri Regis, sacramentum fidelitatis. Quibus associavi quosdam de hominibus Ballivæ meæ; qui apud dictum vadum multum ultra horam nonæ adventum dicti Domini *L.* expectantes; nec ipse venit, nec aliquod mandatum eis direxit. Valeat veneranda Dominatio vestra semper in Domino. Ibidem.

I find also by the same Bundle, that the Sheriff of *Cumberland* informed the Chancellor, that *Ralph* Bishop of *Carlisle* did then hinder his men and tenants within his liberty to take the Oath of Fealty to the King, whereupon he distrained them to come and take it before the Chancellor himself by a certain day, to their great vexation: the Bishop hereupon sent this Letter to the Chancellor, denying the information against him as false and scandalous; desiring that he and his Tenants might take the Oath before the Sheriff, or any others he should appoint to receive it, as they formerly proffered to do.

VIro venerabili, & amico suo speciali Domino *Waltero de Merton.* illustris Regis *Angliæ* Cancellario; *R.* permissione divina *Karleolensis* Ecclesiæ Minister humilis, salutem, & sinceræ dilectionis semper affectum. Super eo quod negotia nostra, nostrum commodum & honorem contingentia, ex vestra speciali gratia frequenter expedivistis in Curia vestra, Specialitati vestræ ad quantascunque possumus assurgimus gratiarum actiones. Verum etiam cum per Dominum *Richardum de Crepping*, Vicecomitem *Cumberlandiæ* vobis ac sociis vestris locum Dom. nostri Regis in *Anglia* tenentibus, jam de novo (sicut intelleximus) sit suggestum, quod nos homines libertatis nostræ fidelitatem dicto Domino nostro Regi debitam eidem Vicecomiti facere In eadem Bundela, nu. 2.

An. 1. E. 1. facere non permittimus: Cujus rei occasione Vicecomes ipse nos et homines nostros districtius, ad veniendum coram vobis et dictis sociis vestris, a die Sancti *Johannis Baptistæ* nunc præterito in unum mensem, pro eadem fidelitate ibidem facienda; ut sic nos et nostros gravari faciat, sicut cupit. Vestræ dilectioni significandum duximus in hac parte, quod nos præsentia virorum fide dignorum rogari fecimus Sub-vicecomitem suum, ut ipse dictam fidelitatem reciperet ab hominibus nostris: et insuper literatorie rogavimus Dominum *Richardum* prædictum, et etiam per Milites et alios amicos nostros apud *Appelby* in Comitatu *Westmerlandiæ*, ubi extitit; ut ipse eandem fidelitatem ab hominibus libertatis nostræ reciperet, vel a suis recipi præciperet. Unde nobis (si placet) imputari non debeat, quo minus fidelitas ipsa eidem Vicecomiti nondum facta sit; petimus diligenter & rogamus, ut suggestionibus ejusdem Domini *Richardi*, quas in odium et gravamen personæ nostræ vobis faciet in adventu suo, non credatis: set ei (placet) præcipiatis, ut eandem fidelitatem recipiat; vel alio fideli dicti Domini nostri Regis eam recipi faciatis. Parati enim sumus, et semper erimus (quicquid dicatur ab aliquo) securitati et honori dicti Domini nostri cum omni diligentia et sollicitudine providere; et suis mandatis in omnibus, et per omnia, gratanter et humiliter obtemperare. Valete; si quid autem penes nos vobis placuerit, nobis, si placeat, significare velitis confidenter.

This Bishop (as it seems by way of revenge) excommunicated the Sheriff in his Ecclesiastical Court without Citation or Articles, upon complaint of the Abbot of *Hulmo*, for distraining him for Debts due to the King, and executing his Office. Whereupon I find (in the same Bundle of Writs) this memorable *Prohibition* issued to the Bishop, informing him, that he had no power to question or excommunicate any of the Kings Sheriffs or Officers for doing their Duties, or executing his Commands; in which, if they offended, they were onely responsible to the King, upon complaint; that these Proceedings of his were against the Kings Crown and Dignity, and his Oath of Fealty to the King; commanding him forthwith to absolve him from his Excommunication.

In eadem Bundela, nu. 14. in Turri Lond.

EDWARDUS Dei gratia Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, venerabili in Christo patri *R.* eandem gratia *Karleolensi* Episcopo, salutem. Monstravit nobis dilectus & fidelis noster, *Richardus de Crepping* Vicecomes noster *Karleolensis*, graviter conquerendo; Quod, cum nuper distrinxisset Abbatem de *Hulmo* pro debitis, in quibus nobis tenetur, ac etiam pro aliis quæ ad officium Vicecomitis secundum regni nostri consuetudinem pertinent, Vos in ipsum *Richardum*, ea occasione, ad querimoniam ipsius Abbatis, non citatum nec coram vobis implacitatum, Excommunicationis Sententiam fulminastis. Et quia nobis (si ita est) in facto prædicto multipliciter existat derogatum, præsertim cum (in Culpa vestra) per hoc viam nostræ Prohibitioni præcluseritis, quæ in hujusmodi casibus locum habere debet et solet: Nec Vicecomes aut alii Ballivi nostri, pro hiis exequendis, (quo ad debita nostra per præceptum nostrum levanda, aut alia quæ ad officium suum per præceptum nostrum pertinent) in placitum trahi non debeant, aut consueverint in Curia Christianitatis; Vobis districte prohibemus, ne prædictum Vicecomitem per hujusmodi Sententias, aut aliter super hujusmodi executionibus Mandatorum nostrorum, aut aliis quæ ad Officium prædicti Vicecomitis lege et consuetudine regni nostri pertinent, placitum teneatis in Curia Christianitatis. Sententiam Excommunicationis, si quam in ipsum ea occasione tuleritis, revocantes; ne (quod absit) vobis impingi possit vel debeat, quod jura Coronæ et Dignitatis nostræ impugnare, contra fidelitatem nobis debitam, intendatis; cum correctio et placita de excessibus Ballivorum nostrorum ad nos et dignitatem nostram debeant et consueverint, secundum regni nostri consuetudinem; pertinere.

The King being acquainted with his Chancellors proceedings, and his impartial Justice in righting his oppressed Subjects in his absence, against the Bishops Usurpations, and others vexations; returned him this Letter of Thanks, commanding and encouraging him to proceed as he had begun, promising to ratifie whatever he

he had done in wayes of Juſtice; and commanding him not to ſpare any of what *Anno* 1 E. 1. ſtate or condition ſoever, but to proceed againſt them by rigour of Juſtice, if he could not otherwiſe reſtrain their injuries.

EDWARDUS Dei gratia Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, dilecto Clerico & Cancellario ſuo *Waltero de Merton*, ſalutem. Super diligentia, quam circa noſtra et Regni noſtri negotia appoſuiſtis, grates vobis referimus ſpeciales; rogantes, quatenus id quod laudabiliter inchoaſtis, fœliciter continuare curetis, in hiis quæ ad officium veſtrum pertinent, cuicunque facientes Juſtitiam exhiberi; alios autem ad id pariter inducentes; Non parcentes conditioni aut ſtatui cujuſcunque, quin rigor Juris ipſos coherceat, quos Æquitatis ſuavitas nequit ab injuriis cohibere. Ea namque quæ rite feceritis circa iſta, faciemus (diſponente Altiſſimo) robur firmitatis conſtantiſſime optinere. Dat. apud *Mellune* ſuper *Sekene* 9. die *Auguſti*, anno regni noſtri primo. Ibidem, nu. 11.

Hereupon the Chancellor iſſued forth this Writ in the Kings name to prohibit the injuries and oppreſſions of *Reginald de Gray* Juſtice of *Cheſter*, and his Officers, againſt the Liberties and Cuſtomes of the Country, of which the generality of the County had often complained; which yet they increaſed, inſtead of reforming, notwithſtanding former Inhibitions to reſtrain them.

EDWARDUS Dei gratia Rex *Angliæ*, Dominus *Hibernia*, Dux *Aquitaniæ*; dilecto & fideli ſuo *Reginaldo de Gray* Juſticiario ſuo *Ceſtriæ*, vel ejus locum tenenti, ſalutem. Cum fideles noſtri locum noſtrum in *Anglia* tenentes ad gravem querimoniam totius Communitatis *Ceſtriæ*, vobis nuper mandaſſent, quod a diverſis gravaminibus et moleſtiis ſibi et ſuis contra libertates et liberas conſuetudines ſuas per vos et veſtros illatis deſiſteretis, et ipſos in pace dimitteretis; dicta Communitas jam nuncios ſuos ad ipſos iterato miſerit, qui eis retulerunt, quod vos et veſtri dampna gravioza ſibi poſtmodum intuliſtis, et de die in diem per veſtros inferri permittitis, contra libertates et conſuetudines ſuos prædictos, in ipſorum diſpendium manifeſtum, de quo quamplurimum admiramur. Nos attendentes, quod ex hiis, ſi taliter fuerint attemptata, poſſent de facili dampna gravioza in partibus illis ſuboriri; et volentes ſuper hiis remedium adhiberi, Vobis mandamus firmiter injungentes, quod ab hujuſmodi dampnis, contentionibus indebitis, et gravaminibus penitus deſiſtatis; et ipſos, ſaltem uſque adventum noſtrum in *Anglia*, in pace dimittatis; ne animus noſter, ea occaſione, in dicto adventu noſtro ex hujuſmodi ſolicitudine et reclamatione poſſit vel debeat in aliquo perturbari. Datum per manum *W. de Merton* Cancellarii noſtri apud *Redings*, 27. die *Decembris*, anno regni noſtri primo. In eadem Bundela, nu. 8.

The Kings Peace being thus proclaimed, and juſtice executed in *England* and *Ireland*, all Archbiſhops, Biſhops, and Clergy-men ſwearing *Fealty* to the King, as well as the Nobility and Laity; the firſt thing he and his Council did, was to make a publick Declaration and Proteſtation againſt Pope *Clement* the 4th. his late uſurpation; who a little before his Father King *Henry*'s death had by his abſolute Papal * *Proviſions* conferred the Biſhoprick of *Winton* on *John de Pontiſſera*, and the Archbiſhoprick of *Canterbury* upon *Robert Kilwardby*, without the Kings precedent *licenſe, approbation*, or *Monks election*, contrary to the Kings Prerogative, the antient Rights of his Crown, the Laws of the Realm, and Liberties of the Church; rejecting *William de Chilenden* (duly elected by the Monks of *Canterbury* by King *Henry*'s licenſe; whom he approved after their election) when preſented to him, without any legal reaſon by his abſolute Papal power, that ſo he might uſurp the diſpoſal of all other Biſhopricks in *England* by theſe & other former like preſidents. Theſe Biſhops being thus intruded by the Popes Proviſions into theſe Biſhopricks in King *Henry*'s reign, King *Edward* the 1. and his Counſil, to prevent the like uſurpations for the future, refuſed to reſtore the Temporalties to them, before they had made this publick proteſtation by their Proctors in the Kings name, for the vindication of the Prerogative and rights of his Crown againſt theſe Proviſions, in the Biſhops, Chancellors and ſundry others preſence, called together for that purpoſe, in St. *Stephen*'s Chappel in *Weſtminſter*, (where-

* Ranulph. Ceſtrenſis Polychron. l. 7. c. 37. f. 308. H. de Knyghton de Event. Angl. l. 2. c. 16. col. 2460. Chron. Will. Thorne, col. 1920. Matth. Parker, Antiq. Eccleſ. Brit. p. 192, 193. Godwins Cat. of Biſhops, p. 178, & 174. Polyd. Virgil. Hiſt. Angl. l. 16 p. 320. See Tom. 2. p. 1061, 1062, 1063.

Anno 1 E. 1. (wherein the Commons House of Parliament now sits) declaring the Restitution of the Archbishops Temporalties to be of the Kings meer grace and favour, not of right, as this memorable Record (not printed nor remembred by any to my knowledge) atttests beyond contradiction.

Clauſ. 1 E. 1. m 11. dorſo. Pro Rege de Proteſtatione facta pro ipſo. De Electo Cant. per Summum Pontificem, & Cetum Cardinalium.

CUm Eccleſiis Cathedralibus in regno *Angliæ* viduatis, et de jure debeat et ſolet de conſuetudine provideri per electionem Canonicam ab his potiſſime celebrandam Collegiis, Capitulis, et perſonis ad quas jus pertinet eligendi, petita tamen prius ab illuſtri Rege *Angliæ* super hoc licentia et optenta; et demum celebrata electione, perſona Electi eidem Regi debeat præſentari, ut idem Rex contra perſonam ipſam poſſit proponere ſi quid rationabile habeat contra eam: Videtur eidem Domino Regi, et ſuo Conſilio; quod ſibi et Eccleſiæ *Cantuariæ*, cujus ipſe patronus eſt pariter et defenſor, fiat præjudicium in hac parte, præcipuè ſi res trahitur in aliis Eccleſiis *Angliæ* in exemplum, quod ſummus Pontifex his omiſſis in hoc caſu, ubi nec in materia, nec in forma electionis inventum eſt fuiſſe peccatum, nec in ipſius literis expreſſum, poteſtatem ſibi aſſumpſerit ipſi Eccleſiæ providendi. Unde ne de cætero ad conſimiles proviſiones procedat *Romana* Eccleſia: Et ſi ad eas procederit, nec dicto Domino Regi per eas Præjudicium generetur, ut Temporalia alicujus Eccleſiæ Cathedralis ſic proviſo reddere teneatur, Domine Electe *Cantuarienſi* Temporalia *Cantuarienſis* Eccleſiæ idem Dominus Rex vobis concedit ad præſens, de gratia ſua ſpeciali. Et ego *Iterus Bernard* ejuſdem Domini Regis Clericus, vice et nomine ipſius protector, quod conceſſio Temporalium in caſu conſimili facta Domino *Nicholao Winton.* Epiſcopo, cum proteſtatione tamen, et nunc in perſona veſtra denuo iterata cum proteſtatione conſimili, ad conſuetudinem vel exemplum futuris temporibus minime pertrahatur. Facta autem et lecta fuit iſta proteſtacio apud *Weſtm:* in Capella Sancti *Stephani* die Lunæ in vigilia Sanctæ *Luciæ* virginis in præſencia fratris *Roberti de Kilwardeby Cantuar.* Electi, præſentibus et ad hoc ſpecialiter vocatis venerabili patre *W.* Dei gracia *Exon.* Epiſcopo; et diſcretis viris Dominis *W. de Merton Canc. Angliæ*, Magiſtro *Johanne de Chiſtall* Decano ſancti *Pauli London. R. Burnell Eborum* Archidiacono, *Hervico de Borham*, fratre *Johanne de Derlington*, Magiſtro *Willielmo de Cornera*, *Johanne de Kirkeby*, *Willielmo de Saham*, et *Johanne de Shalemesford* Monacho *Cantuar.* et multis aliis. Anno Domini 1272.

Nota.

After this Proteſtation ſo ſolemnly made and entred, the King aſſenting to the Archbiſhops Proviſion out of his ſpecial grace, iſſued Writs for the Reſtitution of his Temporalties in an extraordinary form; and likewiſe to reſtore him the Ploughs, Oxen, Heriots, Cattel belonging to the Archbiſhopricks, delivered to the Guardian of the Temporalties by his Predeceſſors Executors, which the King employed: with other Writs for delivering Does due unto him out of the Earl of *Arundel*'s Foreſt, according to a Compoſition made with Archbiſhop *Boniface* his Predeceſſor.

Pat. 1 E. 1. m. 20. intus. Pro fratre Roberto de Kilwardeby. De Temporalibus Archiepiſcopatus Cantuar. reſtituendis.

REX Magiſtro *Richardo de Clifford* Cuſtodi Archiepiſcopatus *Cantuar.* ſalutem. Cum ſummus Pontifex cariſſimum nobis in Chriſto fratrem *Robertum de Kilwardeby* ordinis Fratrum prædicatorum profeſſorem, Eccleſiæ *Cantuar.* in Archiepiſcopum, Patrem et Paſtorem præfecerit, ſicut fidelibus noſtris locum noſtrum in *Anglia* tenentibus per patentes ejuſdem ſummi Pontificis literas innotuit; Ac ipſi affectum in ipſo dudum in nos et a nobis in ipſum conceptum agnoſcentes, temporalia dicti Archiepiſcopatus ob id, ac Sedis Apoſtolicæ reverentiam vice et nomine noſtro de ſpeciali gratia noſtra hac vice, recepto ab eo fidelitatis ſacramento ut moris eſt, durerint concedenda; vobis mandamus, quod eidem temporalia, prædicti Archiepiſcopatus reſtituatis. In cujus, *&c.* Dat. per manum *W. de Merton*, 12. die *Decembris.*

Et mandatum eſt Militibus, liberis hominibus, *&c.* *Dat. ut ſupra.*

Clauſ. 1 E. 1. m. 10. Pro Electo Cantuar.

MAndatum eſt Magiſtro *Richardo de Clifford*, nuper Cuſtodi Archiepiſcopatus *Cantuariæ*, quod carucas, boves carucarum, et herciatores quos tanquam pertinentes ad prædictum Archiepiſcopatum ad terras ejuſdem Archiepiſcopatus excolendas ab Executoribus Teſtamenti bonæ memoriæ *B.* quondam *Cantuar.* Archiepiſcopi

chiepiſcopi recepit, venerabili patri *R. Cantuar.* Electo liberet: Cæterum, quia boves carucarum prædictarum & herciatores prædicti ſuſtentationem habuerunt de foragio prædicti *Bonifacii*, tempore prædicto quo ſcilicet boves & herciatores illi fuerunt in ſervicio Regis, mandatum eſt eidem *Richardo*, quod id quod ad Regem pertinet de foragio bladi prædicti Archiepiſcopatus in oreis exiſtentes, prædicto Electo habere faciat in recompenſationem foragii ſupradicti. Dat. per manum *W. de Merton* Cancellar. Regis apud *Weſtm.* 18. die *Januarii.* *Anno* 1 E. 1.

REX *Roberto Aguillam* Cuſtodi Terrarum quæ fuerint *Johannis* filii *Alani* in Com. *Suſſex.* ſalutem. Mandamus vobis, quod juxta Compoſitionem factam inter bonæ memoriæ *B.* quondam *Cantuar.* Archiepiſcopum & *Johannem* filium *Alani* defunctum qui de nobis tenuit in Capite, de viginta ſer Damis in foreſta ipſius *Johannis de Arundel* per prædictum *Johannem* et hæredes ſuos capiendis, et prædicto Archiepiſcopo, et ſucceſſoribus ſuis ſingulis annis liberandis, apud manerium ipſius Archiepiſcopi de *Slindon*, habere faciat venerabili patri *R. Cantuar.* Archiepiſcopo, treſdecim Damas ſecundum conditiones temporis, et prout prædictus *Bonifacius* hujuſmodi Damas in vita ſua habere conſuevit. Dat. *&c.* apud *Weſtmonaſt.* 24. die *Julii.* Clauſ. 1 E. 1 m. 2. intus. Pro Cantuar. Archiepiſcopo.

In the premiſed Bundle of Writs and Letters to *Walter de Merton* the Kings Chancellour, *An.* 1 Edw. 1. (which I found in the *White Tower* Chappel) there is this Letter of Pope *Clement* written to him on behalf of the Archbiſhop of *Canterbury*, advanced by his mere proviſion to that See, which I conceive was only to procure the reſtitution of his Temporalties.

SUo præcordiali Domino *W. de Merton*, Domino Regis Cancellario, ſalutem & ſinceræ charitatis affectum. In negotiis venerabilis patris *R.* Dei gratia *Cantuar.* Archiepiſcopi, quæ habet expedienda coram vobis, volumus et rogamus, quod favor et gratia uberrime ſibi fiat; et quicquid in eiſdem favoris feceritis intuitu noſtri, gratum habebimus præculdubio et acceptum. Valete. Datum apud *Thexdener*, 8. Kal. *Auguſti*, Pontificatus noſtri anno ſeptimo. *Which reſtitution could not be obtained by the Popes Letter, without the precedent Proteſtation.* Bundela Brevium, Anno 1 E. 1. nu. 18. in Turri London.

How carefull the King was to preſerve the antient Liberties of the Archbiſhoprick of *York*, this Writ diſcovers.

REX dilecto & fideli ſuo *Johanni de Oketon*, ſalutem. Cum nuper aſſignaverimus vos Juſtic. noſtrum ad quaſdam Aſſiſas in Com. *Eborum* capiendas, quarum aliquæ tenementa infra libertatem venerabilis patris *W. Eborum* Eccleſiæ ſuæ de *Beverle* exiſtencia contingunt, vobis mandamus, ne occaſione illarum Aſſiſarum aliquid in præjudicium libertatis Archiepiſcopi prædicti ullatenus attemptetis. Nolumus enim quod ſibi contra libertatem ſuam hactenus rationabiliter uſitatam, per vos vel alios Miniſtros noſtros in aliquo derogetur. Dat. *&c.* apud *Weſtm.* 17. die *Junii.* Clauſ. 1 E. 1. m. 7. dorſo. Pro Archiepiſcopo Eborum.

The Abbot of Saint *Auguſtines* in *Canterbury* being duly elected by the Monks, by the precedent Licenſe and aſſent of the Kings Lieutenants in *England*, repairing to the Popes Court for his confirmation, where he was put to vaſt expences, (nothing being there obtained without great Bribes and Gifts;) he meeting with King *Edward* there in his return from the *Holy Land*, and informing him of his grand expences for his confirmation, the King thereupon ſent this Letter from thence to his Vicegerents in *England*, to grant him Writs to levy ſuch an Ayd from his Tenants towards his Expences as had been formerly uſed in ſuch Caſes, (as he there informed him) and for the Reſtitution of his Temporalties; as theſe two Original Writs I found in the Tower, aſſure us.

EDWARDUS Dei gratia Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, dilectis & fidelibus ſuis *W.* eadem gratia *Eboracenſi* Archiepiſcopo, *Angliæ* Primati, *Rogero de Mortuo mari*, & *Roberto Burnell*, ſalutem. Accedens ad *Romanam* Bundela Brevium, &c. in Turri London. An. 1 E. 1, n. 6.

An. 1 E. 1. *nam* Curiam, Frater *Nicholaus* Abbas Sancti *Augustini Cantuarienſis* nobis exposuit, quod ſecundum morem et conſuetudinem *Angliæ*, (requiſita prius et habita voluntate Regia) tenentes Abbatis alicujus de novo creati ſolebant impendere et facere præſidium pecuniare. Sane quia perpendimus, quod idem Abbas, proſequens in præfata Curia ſuæ confirmationem Electionis, miſſiones oneroſas ſuppoſtavit; Vobis mandamus, quatenus, ſi tempore claræ memoriæ genitoris noſtri hujuſmodi exactio, in caſu conſimili ſolebat ſortiri effectum, ſecundum quod iis fieri videritis ad relevationem expenſarum ſuarum, Abbati præfati ſub ſigillo noſtro, nunc infra regnum noſtrum *Angliæ* uſitato, hoc idem concedatis. Teſte meipſo apud *Urbem veterem*, 35. die *Aprilis*, Anno regni noſtri primo.

Ibidem. n. 18. W. Permiſſione divina *Eboracenſis* Archiepiſcopus, *Angliæ* Primas, & R. *Burnell* Archidiaconus *Eborum*, dilecto & præcordiali ſibi in Chriſto Domino *W. de Merton* Domini Regis Cancellario, ſalutem, & ſinceram ſemper in Domino cum omni proſperitate dilectionem. Quia Electus Monachorum Sancti *Auguſtini Cantuarienſis*, jam Abbas, rediit de Curia completè & favorabiliter expeditus (prout litera Papalis hoc plenius proteſtatur,) idemque Abbas Domino noſtro Regi *Angliæ* fidelitatem præſtitit et homagium, prout conſuetudinis eſt ſui regni; Vobis ex parte Domini Regis et noſtra per præſentes literas, ſi placet nunciamus, quatenus Temporalia, et omnia quæ in manibus Domini Regis exiſtant, dictum Monaſterium qualitercunque contingentia ſibi (ſicut moris eſt) plene remittatis; Mandantes etiam tenentibus dicti Monaſterii, quod ad relevationem ipſius, ſecundum quod hactenus fieri conſuevit et debet, eidem Abbati in tallagiis et aliis grata et debita promptitudine reſpondeant et intendant. Mittimus vobis Literam Domini Regis, quam inter cæteras recepimus; ſecundum quam poteritis (ſi placet) ſecurius operari. Bene valeas. Dat. apud *T*——— 8. Kal. *Junii*, anno Gratiæ 1273.

The Monks and Prior of S^t. *Auguſtines* of *Canterbury* having obtained the cuſtody of the Temporalties thereof during the vacancy, for which they had paid a Fine to the King; and afterwards by the Kings Licenſe electing this Abbot, whom the Kings Vicegerents approved in his name and right, upon their Certificate thereof to the Pope, who confirmed the Abbot, the King iſſued this Writ to the Prior, Covent and others for the reſtitution of the Temporalties, as theſe three Records inform us:

Pat. 1 E. 1. pars 2. m. 19. Pro Priore & Conventu Cantuar.

REX omnibus, *&c.* ſalutem. Sciatis, quod commiſimus et conceſſimus dilectis nobis in Chriſto Priori et Conventui Sancti *Auguſtini Cantuar.* cuſtodiam Abbatiæ ſuæ ejuſdem loci jam vacantis, et in manu noſtra exiſtentis cum omnibus ad cuſtodiam illam pertinentibus; videlicet, à feſto Natalis Domini anno regni noſtri primo uſque in unum annum ſequentem completum, juxta formam inter fideles noſtros locum noſtrum in *Anglia* tenentes, & prædictos Priorem & Conventum inde proviſam; Salvis nobis feodis mil. advocationibus Eccleſiarum, wardis, releviis et eſcaetis ad nos ratione vacationis ejuſdem Abbatiæ ſpectantibus. In cujus, *&c.* Dat. per manum *W. de Merton* Cancellar. noſtri apud *Wallyngford* 27. die *Decembris.*

Et mandatum eſt Magiſtro *Richardo de Clifford* Eſch. citra *Trentam*, quod cuſtodiam ejuſdem Abbatiæ eiſdem Priori & Conventui liberet, in forma prædicta, una cum tallagiis & auxiliis ſi quæ per ipſum Eſchaetorem aſſeſſa fuerint, & omnibus à tempore captionis ejuſdem Abbatiæ in manum Regis, perceptis. *Teſte ut ſupra.*

Ibidem. Pro Electo Sancti Aug. Cantuar.

SUmmo Pontifici Rex *Angliæ*, ſalutem cum reverentiæ et honore. Sciatis, quod fideles noſtri locum noſtrum in *Anglia* tenentes, electioni nuper factæ in Eccleſia Conventuali Sancti *Auguſtini Cantuar.* de fratre *Nicholao de Spina* Monacho dictæ domus, in Abbatem ejuſdem loci, vice et auctoritate noſtra adhibuerunt aſſenſum Regium et favorem. Et hoc ſanctitati veſtræ tenore præſencium intimamus, ut quod veſtrum eſt exequamini in hac parte. In cujus, *&c.* Dat. per manum *W. de Merton* Cancellar. Regis apud *Weſtm.* 17. die *Januarii.*

REX

An. 1 E. 1.

Pat. 1 E. 1 pars 2. m. 15. intus. Pro Abbate Sancti Augustini Cantuar.

REX Priori & Conventui Sancti *Augustini Cantuar.* salutem. Cum summus Pontifex electionem nuper factam in Ecclesia vestra prædicta sancti *Augustini* de fratre *Nicholao* Prioze ejusdem domus in Abbatem ejusdem loci, cui Regium assensum prius adhibuimus, et favozem, sicut per literas patentes ejusdem summi Pontificis accepimus. Nos eidem Abbati Abbaciam illam cum omnibus ad eundem Abbaciam spectantibus reddidimus. Et ideo vobis mandamus, quod eidem Abbati Temporalia ejusdem Abbaciæ quæ sunt in manu vestra ratione finis quem nobiscum inde fecistis, sine dilatione restituatis. In cujus, *&c.* Dat. per manum *W. de Merton* Cancellar. nostri apud *Westm.* 15. die *Junii.*

Et mandatum est Militibus, *&c.*

The Citizens of *Canterbury* being grievously amerced by the *Justices Itinrant* for Escape of Felons out of the Churches in *Canterbury* during the vacancy of the Archbishoprick, contrary to former custom; the King upon their Petition issued this Writ, to enquire and certifie who ought to answer, and be amerced for such Escapes.

Pat. 1. E. 1. pars 2. m. 18. Pro Civibus Cantuar.

R. *Fulconi Peyforer* & *Simoni de Craye*, salutem. Ex parte Civium nostrorum *Cantuar.* nobis est ostensum, quod cum nec ipsi, nec antecessores sui tempore vacacionis Archiepiscopatus *Cantuar.* vel aliis temporibus amerciari consueverint coram Justiciariis nostris Itinerantibus in partibus illis pro evasione latronum evadentium ab Ecclesiis Civitatis prædictæ; Magister *Rogerus de Seyton*, & socii sui Justiciarii nostri ultimo Itinerantes in Comitatu *Kanciæ*, prædictos Cives pro evasionibus hujusmodi graviter amerciarunt, in ipsorum præjudicium et non modicum gravamen. Et quia super hoc plenius volumus certiorari, assignavimus vos ad inquirendum per sacramentum proborum & legalium hominum de Comitatu *Kanciæ*, per quos rei veritas melius sciri poterit, ad quem vel ad quos pertineat custodia Felonum nostrorum fugientium ad Ecclesias supradictas, & utrum ipsi Cives, vel eorum antecessores aut alii occasione prædicta amerciari consueverint, necne? & si alii, qui, & qualiter, & quo modo. Et ideo vobis mandamus, quod ad certos diem & locum quos ad hoc provideritis inquisitionem illam faciatis, & eam distincte & aperte factam nobis sub sigillis vestris & sigillis eorum per quos facta fuerit, sine dilatione mittatis, & hoc Breve. Mandavimus enim Vicecomiti nostro *Kanciæ*, quod ad certos, *&c.* venire faciat, *&c.* per quos rei veritas in præmissis melius sciri poterit & inquiri. In cujus, *&c.* Dat. *&c.*

The Prior and Covent of *Middleton* purchasing the custody of the Temporalties of their Abby from the King for a fine paid to him before hand, whenever it should next become void by their Abbots cession or death, obtained this Patent for that purpose.

Pat. 1 E. 1. pars 2. m. 17. Pro Priore & Conventu de Middleton.

REX omnibus, *&c.* salutem. Sciatis, quod pro fine quinquaginta Marcarum, quem dilecti nobis in Christo Prior & Conventus de *Middleton* nobiscum fecerint, concessimus eis, quod quamprimum Abbaciam suam per cessionem vel decessum *Willielmi* Abbatis sui vacare contigerit, ipsi Prior & Conventus habeant ipsa vice de gracia nostra speciali custodiam Abbaciæ suæ toto tempore vacationis ejusdem, et quod percipiant et habeant omnes exitus et proventus prædictæ Abbaciæ ad opus suum, tam in tallagiis hominum suorum, quam in terris et rebus aliis ad dictam Abbatiam suam spectantibus quæ ad nos pertinere possent, si custodiam illam in manu nostra teneremus. Ita quod nullus Ballivus noster, vel alius ex parte nostra ipsos Priorem & Conventum impediat, vel se intromittat de custodia illa, quo minus ipsi habeant hac vice liberam administrationem omnium bonorum & catallorum ad Abbaciam suam prædictam spectancium toto tempore vacationis prædictæ. Salvis tamen nobis feodis Militum, advocationibus Ecclesiarum ad Abbaciam illam spectantibus, et wardis et escaetis de feodis Militaribus si quas accidere contigerit tempore vacationis supradictæ, et salvâ nobis et hæredibus nostris custodia prædictæ Abbaciæ in aliis vacationibus ejusdem Abbaciæ. In cujus, *&c.* Dat. per manum *W. de Merton* Cancellar. *&c.* apud Sanctum *Paulum London*, 12. die *Aprilis.*

The

An. 1 E. 1. The Abby of Saint *Peters* in *Glocester* of the Kings foundation, being by a contingency greatly dilapidated and in debt, and the Alms thereof substracted; the King took it, with all belonging to it into his custody and protection, committing it to the custody of a Guardian till his return from the *Holy Land* into *England* by this Patent, the Abbot and Covent being unable to govern or protect it.

Pat. 1 E. 1. m. 18. intus. Pro Abbacia Sancti Petri Glouc.

REX omnibus, *&c.* salutem. Cum ex relatu quorundam jam intellexerimus, quod Abbacia Sancti *Petri Glouc.* quæ de bonis elemosinis progenitorum nostrorum Regum *Angliæ* fundata est, casu contingente taliter submittitur in præsenti, quod Abbas et Conventus domus ejusdem ad suum regimen et suorum non sufficiunt, et eleemosinæ progenitorum nostrorum fundatorum ejusdem subtrahuntur in domo ipsa. Nos amissionibus et dampnis eorundem Abbatis et Conventus intime compacientes, eandem domum, homines, terras, res, redditus & omnes possessiones ejusdem in nostra custodia et protectione specialiter existere volentes, commisimus dilecto & fideli nostro *Reginaldo de Akele* eandem Abbaciam, cum omnibus terris, & omnibus aliis ad ipsam spectantibus custodiendam, protegendam et nomine nostro defendendam usque adventum nostrum in *Angliam*: firmiter inhibentes ne quis prædictis Abbati et Conventui, aut hominibus, terris, vel bonis suis quibuscunque sub custodia et protectione nostra dampnum inferat aut gravamen. In cujus, *&c.* usque adventum nostrum in *Angliam* duratur. Dat. per manum *W. de Merton* apud *Westm.* 24. die *Januarii.*

King *Henry* the 3d. giving his Royal assent to the election of a new Abbess at *Wilton* Nunnery, and dying before restitution of the Temporalties, King *Edward* the First, upon the Bishop of *Sarum*'s Certificate of her confirmation, granted the restitution of all the Temporalties, by this Patent.

Pat. 1 E. 1. pars 2. m. 20. Pro Abbatissa de Wilton.

EDWARDUS Dei gratia Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*; Militibus, liberis hominibus, & omnibus aliis tenentibus de Abbacia de *Wylton.* salutem. Cum venerabilis pater *R. Sarr.* Electus, electionem factam in Ecclesia Conventuali de *Wylton.* de *Juliana Giffard* Moniali domus prædictæ in Abbatissam loci illius, cui celebris memoriæ Dominus *H.* Rex pater noster jam defunctus (cujus animæ propicietur Deus) assensum Regium dum vixerit adhibuit et favorem, confirmaverit, sicut idem Electus nobis per literas suas patentes significavit; vobis mandamus, quod eidem *Julianæ* tanquam Abbatissæ & Dominæ vestræ in omnibus quæ ad Abbaciam illam pertinent intendentes sitis & respondentes sicut prædictum est. In cujus, *&c.* Dat. per manum *Walteri de Merton* Canc. Regis, apud *Novum Templum London.* 29. die *Novembris.*

Et mandatum est Priorissæ & Conventui de *Wylton.* quod eidem *Julianæ* tanquam Abbatissæ suæ Abbaciam suam prædictam & Temporalia, ac alia ad ipsam Abbaciam spectancia quæ occasione præsentis vacacionis ejusdem sunt in custodia sua ex commissione prædicti Patris nostri, sine dilacione liberent.

The Barony of the Bishop of *Chichester* being seised into the Kings hands for some offence or contempt, upon satisfaction given to the King, he ordered his Temporalties to be restored by this Writ.

Pat. 1 E. 1. pars 2. m. 5. intus. Pro Episcopo Ciceftr. & Bundela Brevium, &c. An. 1 E. 1. nu. 13. in Turri Lond.

REX *Roberto de Purlet*, salutem. Mandamus vobis, quod Baroniam Episcopatus *Ciceftriæ*, quam nuper certis de causis corpimus in manum nostram, et vobis commisimus custodiendam, venerabili Patri *R. Ciceftrensi* Episcopo vel certo ejus attornato sine dilacione restituatis, permittentes ipsum de cætero absque impedimento Temporalium ad Baroniam illam spectancium habere administrationem. In cujus rei, *&c.* Dat. *&c.* apud Sanctum *Martinum magnum Londen.* 27. die *Augusti*, anno regni nostri primo.

The Freers Minors of *London* having bought and felled Trees growing upon the Temporalties of the Bishop of *London*, and paid him for them during his life; the Temporalties coming into the Kings hands by his death, before the Trees removed,

moved, and the Kings Officers ſeiſing them, the King was pleaſed to give them leave to remove the Timber without impediment. *An.* 1 E. 1.

MAndatum eſt *Radulpho de Sandwico* cuſtodi Epiſcopatus *London.* quod maremium, quod Fratres Prædicatores & Minores *London.* in Parco de *Heringeye*, à bonæ memoriæ, *H. London.* Epiſcopo nuper defuncto emerunt, & quod ſuperſtite ipſo Epiſcopo proſterni fecerunt ibidem, & cujus empcionis ſolucio dicto Epiſcopo facta fuit, eiſdem liberet, et ipſos inde abſque impedimento abducere permittat. Dat. apud *Weſtm.* 3. die *Octobris*, per *R. Burnell.* Clauſ. 1 E. 1. m. 3. intus. Pro Fratribus prædicatoribus & Minoribus London.

The Barons and Bayliff of the Port of *Winchelſey* ſeiſing, and ſhutting up the Houſes and Goods of their Vicar, for harbouring a *Clerk* of his who had ſtollen his Goods, after his impriſonment for it, and delivery to the Ordinary, before his conviction; to inforce the Vicar to proſecute his *Clerk* for this Felony againſt his will; the King thereupon commanded them to reſtore the Houſe and Goods thus ſeiſed to the Vicar, without any Suit, by this Writ.

REX Baronibus & Ballivis Portus ſui de *Wincheles*, ſalutem. Monſtravit nobis *Warnerus* Vicarius Eccleſiæ beati *Thomæ de Wincheles*, quod cum *Andræas de Fincheam* Clericus, qui eidem *Warnero* nuper deſervivit, & rerum ſuarum adminiſtrationem habuit, de quibuſdam rebus, quas eidem *Warnero* ſubtraxiſſe dicebatur, rectatus, et propter hoc captus, et in priſona noſtra ibidem detentus, ac poſtmodum per loci Dioceſanum coram nobis tanquam Clericus petitus, et eidem liberatus extitiſſet; vos imponentes eidem *Warnero*, quod ipſe prædictum *Andræam* poſt factum prædictum, de quo idem *Andræas* adhuc convictus non exiſtit, nec publicus latro eſſe dicitur, cum rebus prædictis hoſpicio recepit, prædictum *Warnerium* & homines ſuos in domibus in Villa prædicta exiſtentes, ab eiſdem ejeciſtis, et oſtia domorum prædictarum claudi, et bona ſua et Eccleſiæ prædictæ in eiſdem propter hoc includi feciſtis, & ea adhuc ſic incluſa detinetis, minus juſte. Et quia prædictus *Warnerus*, vel alius ad proſecutionem rerum ſuarum ſibi ſubſtractarum invitus compelli non debet, nec ſibi ſuper præmiſſis volumus injuriari, vobis mandamus, quod acceptâ ſufficiente ſecuritate a præfato *Warnero*, de ſtando recto in Curia noſtra ſecundum Conſuetudinem et Libertatem prædictæ Villæ, & prout ſecundum ſtatus ſui exigentiam debuerit, ſi quis verſus eum inde loqui voluerit, eidem *Warnero* domos ſuas prædictas una cum bonis ſuis & Eccleſiæ in eiſdem ſic incluſis & detentis deliberari faciatis, & ipſum interim inde per ſecuritatem prædictam pacem habere permittatis. Datum per manum *W. de Merton* Canc. noſtri apud *Weſtm.* 24. die *Junii.* Clauſ. 1 E. 1. m. 17. Pro Warnero Vicario de Fincham.

How the King exerciſed his Soveraign Eccleſiaſtical Juriſdiction in *Ireland* in the firſt year of his Reign, theſe Records demonſtrate. The Archbiſhoprick of *Dublin* being void, the King committing the Temporalties of it to *Thomas Cheddeworth*, authorized him to farm the Temporalties thereof, or otherwiſe to improve them to his beſt advantage; and commanded his Chief Juſtice to diſpoſe of the Wards, Profits, Revenues thereof, and of other Archbiſhopricks and Biſhopricks that ſhould there become void, and Preſent to vacant Churches in his name and right, as theſe Patents evidence.

REX omnibus, *&c.* ſalutem. Sciatis, quod tenore præſentium damus dilecto Clerico noſtro *Thomæ de Cheddeworth*, cui commiſimus Archiepiſcopatum *Dubliniæ* vacantem cuſtodiendum, poteſtatem dimittendi ad firmam terras et tenementa ejuſdem Archiepiſcopatus, vel ad campi partem prout magis ad opus noſtrum viderit expedire. Nos autem quicquid præfatus *Thomas* fecerit in hac parte ratum habebimus & acceptum. In cujus, *&c.* Dat. per manum *W. de Merton* Canc. *&c.* apud *Weſtm.* 20. die *Januarii.* Pat. 1 E. 1. pars 2. m. 19. intus. De terris Archiepiſcopatus Dublin. excolendis & ſeminandis.

REX Magiſtro *Thomæ de Cheddeworth* Cuſtodi ſuo Archiepiſcopatus *Dublinen.* ſalutem. Cum conſtituerimus dilectum & fidelem noſtrum *Galfridum de Genvill* Juſtic. noſtram terræ noſtræ *Hiberniæ* quamdiu nobis placuerit, prout in literis noſtris patentibus eidem Juſtic. confectis plenius continetur, Vobis mandamus, quod tam Pat. 1 E. 1. pars 2. m. 5. Hibernia.

tam

An. 1. E. 1. tam de Wardis quam de Castris Wardarum quæ sunt in custodia vestra, & eciam de hiis quæ deinceps acciderint intendentes sitis & respondentes, & Castra earundem cum opus fuerit, & idem Justiciarius hoc vobis injunxerit, ex parte nostra, eidem liberetis. Omnes eciam exitus Ballivæ vestræ tam Wardarum quæ sunt in manu vestra,& aliarum cum acciderint, quam Archiepiscopatuum,Episcopatuum, et Abbatiarum cum vacaverint dicto Justiciario per Cirographum inter vos et ipsum exinde conficiendum, habere faciatis, ad negocia nostra in partibus *Hiberniæ* inde expedienda, donec aliter inde duxerimus ordinandum. Et cum sciverimus quantum ei liberaveritis, Breve nostrum de quietancia seu allocacione vobis inde habere faciemus. Dat. apud Sanctum *Martinum magnum London.* 2. die *Septembris.*

Ibidem. REX *G. de Genvill* Justic. suo *Hiberniæ*, salutem. Sciatis, quod dedimus vobis potestatem præsentandi vice et auctoritate nostra personas idoneas ad Ecclesias de *Kilbondam*, *Senekill*, et *De la Hull* jam vacantes, et ad nostram donacionem spectantes: Nos enim præsentaciones per vos modo prædicto factas ad Ecclesias prædictas ratas ab hac vice habebimus et acceptas. In cujus, *&c.* Datum ut supra.

The Archbishop of *Cassal* seising the money of an Usurer in *Ireland*, as belonging to him, thereupon the King commanded the Bishop of *Midden*, and his Treasurer of *Ireland* to demand it of him, as belonging to him by his Prerogative, and to respite the demand of the Usurers Debts till further Order, by this Writ; by which it appears that all * Usurers Monies and Debts in that Age, were forfeited to the King for their Usury, upon their deaths, in *Ireland* as well as *England*.

* See Glanvil, l. 7. c. 16. l. 10. c. 3, 8.

Claus 1 E. 1. m. 6. intus. Pro Archiepisc. Cassalen. MAndatum est *Midd.* Episcopo, & Thes. Regis *Hiberniæ*, quod demandam quadringentarum librarum quam faciunt *David.* Archiepiscopo *Cassalen.* ratione quorundam bonorum et catall. *Reginaldi de Macotere* Usurarii, et quæ ad manum ejusdem Archiepiscopi devenerunt, et quæ ad Regem pertinent, ut dicitur, et eciam demandam Usurarium debitorum ejusdem *Reginaldi*, ponant in respectum, usque ad festum Sancti *Hilar.* pror. futur. nisi Rex aliud de consilio suo duxerit ordinand.

How the King committed, disposed of the Custody of the Temporalties of the Bishoprick of *Limrick*, and afterwards gave his assent to the election of a New Bishop, who had the *custody thereof*, these Records declare.

Pat. 1 E. 1. pars 2. m. 19. De Custodia Episcopatus de Lymerick. REX Magistro *Johanni de Stamford* Eschaet. suo *Hibern.* salutem; Sciatis, quod de gratia nostra speciali, concessimus dilecto Clerico nostro *Gerardo le Mareschal* Archid. *Lymiricen.* custodiam Episcopatus *Lymiricensis* vacantis, & in manu nostra existentis, tenend. à die Mercurii proxima post festum Sancti *Hilarii.* Anno, *&c.* primo usque in unum annum sequentem completum, per formam inter fideles nostros locum nostrum in *Anglia* tenentes et prædictum *Gerardum* inde provisam, de qua idem *Gerardus* nobis præmanibus satisfecit; salvis tamen nobis feodis Militum, advocationibus Ecclesiarum, wardis, releviis et escaetis quæ interim acciderint ibidem, et salvis eciam nobis omnibus exitibus prædicti Episcopatus a tempore mortis Episcopi ejusdem loci usque ad diem Mercurii suprædictum. Et ideo vobis mandamus, quod eidem *Gerardo* Custodiam prædicti Episcopatus et Temporalia ejusdem liberetis tenend. in forma prædicta. *Dat. ut supra.*

Pat. 1 E. 1. pars 2. m 19. Protectio de Lymerick. REX electioni factæ in Ecclesia Cathedrali *Lymericensi* de discreto viro Magistro *Gerardo* Archidiacono ejusdem Ecclesiæ, in Episcopum ejusdem loci, Regium assensum adhibuit et favorem. Et mandatum est Archiepiscopo *Cassalen.* ut id quod suum est in hac parte exequatur. Dat. per manum *W. de Merton* Canc. Regis apud *Novum Templum London.* 11. die *Januarii.*

The Bishoprick of *Finnabern* being voyd by the Bishops death, the King upon the Deans and Chapters Petition granted them this License to elect a new Bishop, provided he was so qualified as his License directed.

REX

Anno 1 E. 1.

Pat 1 E. 1. pars 2. m. 15. De licentia eligendi.

REX Decano & Capitulo *Fynnabren.* ſalutem. Accedens ad nos *David* Clericus veſter cum literis Capituli veſtri patentibus, nobis humiliter ex parte veſtra ſupplicavit, ut cum Eccleſia veſtra per mortem *Mauric.* Epiſcopi veſtri de *Fynnabr.* Paſtoris ſolacio ſit deſtituta, alium vobis eligendi in Epiſcopum et Paſtorem licentiam concedere dignaremur; Nos igitur veſtris ſupplicacionibus inclinati, licenciam illam vobis duximus concedendam. Mandantes quatinus talem vobis aſſumatis in Epiſcopum qui Deo devotus, regimini Eccleſiæ veſtræ neceſſarius, nobiſque et regno noſtro utilis et fidelis exiſtat. Dat. apud *Weſtm.* 14. die *Julii.*

The Dean and Chapter hereupon electing a Biſhop according to the Kings licenſe, the King giving his Royal aſſent thereto by his Vicegerents, iſſued this Writ for his confirmation and conſecration to the Archbiſhop of *Caſſall.*

Pat. 1 E. 1. pars 2. m. 4. Pro Electo Finaberen.

REX Electioni nuper factæ in Eccleſia Cathedrali *Fynnabrenſi* de fratre *Florencio* Abbate de *Kelſany* in Epiſcopum *Fynnabrenſem* Regium aſſenſum adhibuit et favorem. Et mandatum eſt Archiepiſcopo *Caſſalenſi*, ut quod ſuum eſt in hac parte exequatur. Dat. per manum *W. de Merton* Canc. noſtri apud Sanctum *Martinum magnum London.* 8. die *Octobris.*

The King likewiſe granted him reſtitution of the Temporalties by this Writ, if his election were confirmed, ſo as he ſent his Proctor into *England*, with power to ſwear Fealty to the King upon his Soul, though he did not come to ſwear it in perſon, and ſo to receive his Temporalties.

Clauſ. 1 E. 1. m. 3. dorſo. Pro Electo Finaberen.

MEmorandum, quod Rex conceſſit Electo *Fynaberen.* quod Temporalia Epiſcopatus ejuſdem reſtituantur eidem, ſi contingat ipſum confirmari; Ita quod Nuncius ſuus quem propter hoc tranſmittet in *Angliam*, cui idem Electus dabit poteſtatem jurandi in animam ſuam de fidelitate, *&c.* recipiat literas ipſius Electi de reſtitutione Temporalium prædictorum, et eas ſibi deferat.

Sir *Mat. Haſtings* Knight, Governor of *Wynchelſe*, demanding and exacting Toll from the Tenants of the Archbiſhop of *Canterbury*, who were exempted from Toll, and detaining their pledges for it, after ſeveral admonitions by his Officials; the Archbiſhop thereupon immediately after the reſtitution of his Temporalties, ſent this peremptory Letter to him, to reſtore all their pledges he detained for Toll within eight dayes; and likewiſe to give competent ſatisfaction for this high offence to God and the Church, under pain of Excommunication; or elſe he would execute his Pontificial office upon them.

Bundela Brevium, Anno 1. E. 1. n. 9.

R. Miſeratione divina *Cantuarienſis* Archiepiſcopus, totius *Anglie* Primas, Domino *Matthæo de Haſtinges* Militi, ſalutem, & ſpiritum conſilii ſanioris. Quampluries per noſtras literas & Officiales noſtros vos moneri fecimus, ut per vos et veſtros non vexaretis Tenentes noſtros ſuper exactione Theolonii in Villa de *Wynchelſe*, a cujus præſtatione liberi ſunt et immunes. Et quia monitis hujuſmodi parere hactenus non curaſtis, adhuc vos monemus, et vobis ſub * Excommunicationis pœna injungimus, quatinus homines noſtros ſuper talibus exactionibus in pace dimittatis, et hominibus de *Eſſywendene*, ac aliis noſtris tenentibus, quorum vadia pro Theolonio prædicto capta detinetis, vadia reſtituatis; et ſuper offenſa quam propter hoc incurriſtis, Deo et Eccleſiæ ſatisfaciatis competenter, infra octo dies poſt præſentium receptionem. Alioquin extunc contra vos et veſtros miniſtros officii noſtri debitum prout juſtum fuerit exequemur. Datum apud *Sutham.* die *Jovis* in feſto *Aſcenſionis Domini*; Conſecrationis noſtræ anno primo.

* Abuſed upon every occaſion.

The *Ciſtercian* and other Monks * totally exempted by ſeveral Popes Bulls from payment of Tithes of the lands manured by them with their own hands, or at their coſts, fraudulently inlarging their privileges by tilling, renting, manuring other mens

* Sane laborum veſtrorum quos propriis manibus aut ſumptibus colitis, ſive de nutrimentis veſtrorum animalium, nullus præſumat a vobis Decimas exigere. Monaſt. Angl. Vol. 1. p. 709, 732, 831, 832, 924.

An. 1. E. 1. Lands, to the great prejudice of Rectors of Parish Churches, whose Rights and Tithes they invaded. Thereupon *Richard Gravesend* Bishop of *Lincoln* writ this Letter to the Chancellor for his advice and assistance to reform this Grievance in the Kings Temporal Courts, in his friends and Clerks case.

Fundela, Brevium, &c. An. 1 E. 1. nu. 4.

VEnerandæ discretionis viro, & amico & filio semper in Christo diligendo, Domino *W. de Merton* Domini Regis Cancellario, *R.* miseratione divina *Lincolniensis* Episcopus, salutem, gratiam, & benedictionem, cum dilectione sincera. Nostis (ut credimus) & familiari forsitan experientia probastis molestias, quas Religiosi privilegiati ingerunt Rectoribus Ecclesiarum vicinarum, et quibus machinationibus frequenter moliuntur ipsorum Jus subvertere, et sibi usurpare, quod alienum existit. Cum igitur dilectus Clericus noster Magister *R. de Saxyngehurst*, Præbendarius Ecclesiæ de *Langeford*, injurias multiplices sustinuerit a quibusdam * *Cistercien sibus*, possessionum suarum terminos in Parochia sua dilatantibus, et in vicina; Dilectionem vestram affectione qua possumus requirimus & rogamus, quatinus ad impetrandum remedium a Curia Domini Regis, (quatenus ad eum pertinet) super injuriis eidem irrogatis, velitis benevolentiæ vestræ consilium et auxilium impendere, quale rei qualitas requisierit opportunum. Benè semper in Domino valeatis.

* See Rot. Parl. An. 2 H. 4 nu. 40. My Gospel Plea for Tithes, &c. part. 2. p. 45, 46, 47 Johan. Salisburiensis de Nugis Curialium, l. 7. c. 21. Pet. Blesensis, Epist. 82. Laur. Bochellus Decret. Eccles. Gal. p. 966. Bibl. Patrum, Tom. 12. pars 2. p. 766, 767.

The Dean and Chapter of *Rhoan* detaining from Mr. *Garland* (one of the four Canons which King *Henry* the 3d. had added to their Church) that annual pension the King had alotted him out of the Chapelry of *Blye*, K. *Edward* the 1. upon two Petitions of his (extant in the Bundle of Writs and Petitions, *Anno* 1 E. 1.) by his Soveraign Ecclesiastical Jurisdiction issued this Writ to the Archbishop of *Rhoan* to induce or compell them to pay him his Stipend, and the arrears thereof, according to his fathers pious intention and order, and to give him an account thereof; or else he would levy his portion out of the Rents they had in *England*.

Bundela Brevium, Anno 1 E. 1. nu. 10. in Turri Lond.

EDWARDUS Dei gratia Rex *Angliæ*, Dominus *Hyberniæ*, & Dux *Aquitaniæ*, venerabili in Christo patri ——— eadem gratia *Rothomagen.* Archiepiscopo, salutem. Cum progenitores nostri Reges *Angliæ*, quatuor portiones Præbendales constituerint in Ecclesia vestra *Rothomagensi* de proventibus Capellanæ de *Blye*, quatuor ejusdem Ecclesiæ Canonicis assignandas: Et Decanus et Capitulum dictæ Ecclesiæ Magistro *de Garland* uni de quatuor Canonicis prædictis portionem suam jam per biennium & amplius substraxerint, et eam adhuc sibi reddere contradicunt, in gravamen ipsius non modicum, et præjudicium Regium manifestum, ac contra ordinationem auctoritate celebris memoriæ Domini *H.* Regis patris nostri inde factam in Curia sua. Nolentes hujusmodi dona et concessiones Regias pro intuitu, et pro animarum remedio constitutas, taliter subtrahi, aut effectu suo frustrari; Paternitatem vestram duximus cum instantia requirendam, quatenus dictos Decanum et Capitulum ad reddendum præfato Canonico portionem suam cum arreragiis inde debitis efficaciter ducatis, et artius (si opus fuerit) compellatis. Sciant enim pro certo, quod nisi fecerint, nos portionem ipsam de redditibus et bonis quæ habent in regno *Anglie* levari facienus, et prædicto Canonico assignari. Quid autem super hoc duxeritis faciendum nobis cum certitudine rescribatis. Datum per manum *W. de Merton* Cancellarii nostri apud *Westm.* 15. die *Decembr.* Anno Regni nostri primo.

The Covent of St. *Patrick's* Abby of *Saballo* in *Ireland* electing an Abbot without the Kings precedent license, against his Prerogative, the election was thereupon nulled, and a new Abbot appointed without election by the Bishop of *Dune*, with the license and consent of the Kings Lieutenants in *Ireland*; whereupon the King issued this Writ for restitution of the Temporalties to him, and all profits received from the time of his provision to the said Abby, for which he was to answer the King at his pleasure, as this Record informs us.

Pat. 1 E. 1. pars 2. m. 4. Pro Abbate S. Patricii de Saballo.

REX Magistro *Johanni de Saunford* Escaetori suo *Hiberniæ*, salutem. Cum celebrata nuper (nostra licentia eligendi irrequisita) electione in Ecclesia San-

cti

& *Patricii de Saballo*, de fratre *Molys* Priore de *Bangor.* in Abbatem ejuſdem loci, ac ipſa electione ob hoc et alia merito caſſata, venerabilis pater Epiſcopus *Dunenſis* loci Dioceſanus, fratrem *Galfridum de Stoks* Canonicum *Carleol.* de conſilio et conſenſu fidelium noſtrorum locum noſtrum in *Hibern.* tenentium præfecerit in Abbatem domus prædictæ: Nos de gratia noſtra ſpeciali Temporalia Abbatiæ prædictæ præfato fratri *Galfrido de Stok* duximus reddenda. Et ideo vobis mandamus, quod eidem fratri *Galfrido* Temporalia Abbaciæ prædictæ ſine dilatione liberetis, una cum omnibus inde perceptis a tempore quo dictus Epiſcopus dictæ Eccleſiæ prævidit de præfato *Galfrido*, juxta veram æſtimationem eorundem perceptorum per vos fideliter faciendam; de quibus idem Abbas nobis ad voluntatem noſtram tenetur reſpondere. In cujus, *&c.* Dat. *&c.* apud *Cantuar.* 18. die *Septembris.* Anno regni noſtri primo. *An.* 1 E. 1.

Et mandatum eſt omnibus tenentibus de Abbacia prædicta, quod eidem *Galfrido* tanquam Abbati ſuo, in omnibus quæ ad Abbaciam illam pertinent intendentes ſint & reſpondentes. *Dat. ut ſupra.*

After the death of Pope *Clement* the 4th. the See of *Rome* continuing voyd for two years and ten moneths, by reaſon of the *Cardinals diſcord* about the election of a Succeſſor, at laſt *An.* 1272. (after King *Henry* the 3d. his deceaſe) they elected one *Theobald* Pope, who was with King *Edward* the Firſt in the *Holy Land*; as * *Mat. Weſtminſter* thus ſtories.

Poſt mortem Papæ Clementis, *per duos annos, & decem menſes, ſedes Apoſtolica vacans fuit. Igitur Cardinales convenientes in unum, Dominum* Theobaldum *Archidiaconum* Leoditenſem, *qui commorabatur in tranſmarinis partibus cum* Eadwardo *communiter elegerunt. Qui, de ſua electione auditis rumoribus, ad Curiam properavit, & ſummum Sacerdotium eſt adeptus. De iſto dicti fuerant iſti verſus.*

* Flores Hiſt. pars 2. p. 352. Contin. Mat. Pariſ p 976. See Stella, Platina, Onuphrius, Volaterranus Criſpin, Balæus, Barnes, Opmeerus, Faſciculus Temporum, Hermannus Schedel, and others in Gregorio 10 Walſingham Hiſt. p. 4.

Papatum munus tenet Archidiaconus unus;
Quem patrem patrum fecit diſcordia fratrum.

Prince *Edward* hearing tydings of his Fathers death, and his being proclaimed King in *England*, in his return from the *Holy Land*, repaired to this new Popes Court, his late Chaplain, familiar friend and fellow Souldier; who at his requeſt, (by his meer Papal authority) excommunicated the murderers of his kinſman *Henry*, ſon and heir to the King of *Germany* at *Viterbium*, and diſofficed, diſinherited ſome of them by his *Imperius Decree*, till they ſhould come perſonally to *Rome* to purge, or ſubmit themſelves to his abſolute Order in all things, as *Mat. Weſtminſter*, and *Walſingham* thus relate.

† *His diebus*, *cum* Eadwardus *in Civitate* Acon. *diutius expectaſſet Chriſtianorum & Tartarorum auxilium, eo quod propoſuiſſet per manum validam Saracenos delere, videns ſe ab utriſque deluſum, quia Chriſtiani ad propria receſſerunt, & Tartari, qui & Moalli, inteſtina tyrannide perierunt, dimiſſis in* Acon. *ſtipendariis, mare tranſiit, applicans in regno* Siciliæ. *Cui cum honore Rex* Carolus *obviavit, ipſum deducens uſque ad Urbem veterem*, in qua Romana Curia reſidebat. Papæ Gregorio, modo Domino, nuper familari ſuo, expoſuit Eadwardus pericula Terræ ſanctæ. Petiit poſtea quod ſententialiter condemnaret Aldebrandinum, Comitem dictum le Rus, et Guidonem de Monteforti, qui Henricum primogenitum Regis Alemanniæ cognatum ſuum in Viterbio funeſtis gladiis peremerunt, dum Miſſarum ſolemniis aſſiſteret, in contemptum Eccleſiæ et ſcandalum nominis Chriſtiani. Papa igitur his commotus protinus propter vos mandavit. Comes Rubeus ſe purgavit. Dominus Papa Guidonem de Monteforti, tam pro contumacia, quam offenſa, anathemate perpetuo condemnavit, et ſacrilegii, homicidii, ſcarii, et læſæ Majeſtatis reum pronuntiavit ſententialiter, et infamem, ita ut neque condere Teſtamentum, neque teſtimonium ferre, neque Præſes, Conſul vel Poteſtas eſſe poterit Civitatis. Hunc etiam ab omnibus officiis, dignitatibus ſeu etiam adminiſtrationibus civilibus aut publicis, ſequeſtratum et exhæredatum uſque in quartam generationem decrevit. Quod decretum fuſſit ab omnibus inviolabiliter obſervari, quouſque idem Guido ad Curiam Romanam adveniſſet, et ſe voluntati Papæ in omnibus ſubmiſiſſet. Præ-

† Anno 1172. p. 352, 353. Walſingham Hiſt. p. 3 Ypodigma Neuſtr. p. 67. Polydor. Virgil, Fabian, Holinſhed, Speed, Grafton Daniel, How, An. 1 E. 1.

Anno 1 E. 1. terea omnes illos, qui cum receptaverunt scienter, excommunicationis vinculo innodavit, et terris eorum suppositit interdicto (mulieribus duntaxat exceptis, pœnitentiis decedentium, et baptismata parvulorum.) *His ritè peractis*, Eadwardus *secessit à Curia, cui communitates civitatum* Tusciæ & Italiæ *cum magno tripudio tubis ductilibus obviarunt, communiter proclamantes*, vivat Imperator Eadwardus. Mediolanenses *ei munera obtulerunt, equos electos, coopertos stavoniis de Scarleto, quos, illis cogentibus, invitus recepit*; *Recedens ab* Italia, *venit in* Burgundiam, *ubi quendam nobilem, qui rapinis & spoliis intendebat, cum fortissimo castro suo, Comiti* Sabaudiæ *reddidit, vel invitum. Prius namque terrenum Dominum non habebat, ideo transeuntes liberius stetiabat, quia non erat qui excessus corrigeret delinquentium.* Episcopi et Abbates, Comites et Barones de Anglia venientes, (sent to meet and conduct him into *England* by his Vicegerents order) Domino Eadwardo in descensu montium Burgundiæ occurrerunt, benedicentes Dominum, qui fecit prosperum iter suum.

Whiles the King in his return was entertained in the Popes Court at *Viterbium*, *Othobon* the Popes late Legate procured this Writ from him, to settle and protect his Nephew in the possession of a Prebendary in the Church of *Chichester*, by his Regal authority, formerly conferred on him by the Popes *provision*, which it seems he could not obtain by the Popes *mandate* which he prosecuted.

Bundela Brevium in Turri London. Anno 1 E. 1. nu. 12.

EDWARDUS Dei gratia Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, dilecto & fideli suo *Roberto Burnell*, salutem. Præterea venerabilis patris Domini *Ottoboni* sancti *Adriani* Diaconi Cardinalis, *Jacobo* nepoti suo summus Pontifex quandam Præbendam in Ecclesia *Cicestrensi* vacantem contulit (ut accepimus:) Cujus possessionem prosequitur secundum mandatum Papale, sibi super hoc concessum; Volentes etiam ad instantiam dicti Domini *Ottoboni* præfatum *Jacobum* prosequi favore gratioso; Vobis mandamus quatinus ipsum nec suum procuratorem super professione memoratæ Præbendæ, contra Juris observantiam, molestari vel inquietari minime permittatis. Teste meipso apud *Urbem veterem*, 19. die *Martii*, anno regni nostri primo.

Moreover, one Mr. *Angelo* a Canon of *Cameron*, formerly imployed by King *Henry* the III. as his Proctor in the Court of *Rome* in several businesses, for which he granted him an annuity of 40. Marks each year, till he should be provided for by the said King of Benefices in *England* to the value of 400. Marks by the year, procured King *Edward* to employ him as his Proctor in the Court of *Rome*, to confirm his Fathers grant, and order payment of all his arrears by this Writ, dated from thence.

In eadem Bundela, nu. 13.

W. Permissione divina *Eborum* Archiepiscopus, *Angliæ* Primas, & *R. de Mortuo mari*, dilecto amico suo Domino *W. de Merton* Domini Regis Cancellario, salutem cum dilectione sincera. Mandatum Domini Regis recepimus, in hæc verba.

EDWARDUS *Dei gratia Rex* Angliæ, *Dominus* Hiberniæ, *& Dux* Aquitan. *dilectis & fidelibus suis*, W. *eadem gratiâ* Eboracensi *Archiepiscopo* Angliæ *Primati*, Rogero de Mortuo mari, *&* Roberto de Burnell, *salutem. Dum bonæ memoriæ Dominus* H. *quondam Rex* Angliæ, *Genitor noster charissimus, vitæ præsentis gaudebat induciis*, ex certis causis et negotiis sibi quondam incumbentibus, quæ in Romana Curia proponebat expedire, discretum virum Magistrum Angelum Canonicum Cameracen. in ipsius retinuit obsequio, cui quadraginta marcas fecit assignari, de Scaccario suo recipiendas annuatim, quousque sibi per dictum Dominum Regem (si viriset) in beneficio seu beneficiis ad valorem quadringintarum marc. provideretur. Sane quia prædictum Magistrum Angelum ex negotiis nostris quibusdam promovendis in præfata Curia, sub forma dictæ conventionis seu promissionis in nostro retinuimus obsequio; Vobis mandamus, quatinus eidem Magistro Angelo, vel ejus procuratori suo nomine, quam cito vice nostra vobis facultas affuerit, de quantitate Reddituus prætaxati competenter provideatis. *Teste meipso apud* Urbem veterem, 24. *die* Februarii, *anno Regni nostri*

noſtri primo. Quia verò contemplatione dicti Magiſtri, & obſequii ſui, quod impendit Domino Regi, vellemus ſuum negotium expediri; prout Dominus *R. Burnell* vobis plenius ſuper hoc exponet, cum quo inde habuimus tractatum, expediri faciatis, ſicut providimus, & ſimul videritis expedire. Vale. *An.* 1 E. 1.

Before King *Edward*'s arrival in *England*, this new Pope *Gregory* having gratifyed the King by his premiſed ſentence, denounced againſt the murderers of his Couſin *Henry*, (imitating his Predeceſſors rapines) ſent a ſpecial *Nuncio* into *England*, under pretext to compel all Eccleſiaſtical perſons to pay two years Diſmes of their Temporalties and Eccleſiaſtical Livings to the King and his Brother, but in truth to himſelf, who converted moſt of it to his own uſe, as * *Mat. Weſtminſter* thus relates; *His diebus quidam Clericus, nomine* Reimundus, Vaſconus *natione*, a ſummo Pontifice in Angliam fuit miſſus; qui poteſtatem habuit compellendi Eccleſiaſticas perſonas ad decimas, per duos annos, tam de Temporalibus quam Spiritualibus, Eadwardo et Edmundo filiis Regis Angliæ perſolvendis. Hic partem collatæ pecuniæ tribuit Nobilibus ſupradictis, pro expenſis ſuis partem ſibi non modicam retinuit, et ad diſpoſitionem Papæ partem maximam reſervavit. Such was his Papal liberality and juſtice. * An. 1272. P. 354.

Whereupon ſundry of the Clergy and Abbots of the Realm diſcerning the abuſe, refuſed to pay the premiſed Diſme, notwithſtanding the Popes Nuncioes excommunications denounced againſt them, contemning his Eccleſiaſtical Cenſures: Upon which the Nuncio writ this Letter to the Chancellor to command the Sheriffs to aſſiſt the Collectors of it by their ſecular power, and levy it by force where there was need.

SUO ſpeciali in Chriſto *W. de Merton* Domini Regis Cancellario, ſalutem. Cum per Collectores Decimæ Domino Regi conceſſæ in noſtris partibus colligendæ, intelleximus, quod in pleriſque locis dicta Decima hucuſque levari non poteſt abſque auxilio ſeculari, expedit quod celeriter *Eborum*, *Notingham* et *Lancaſtriæ* Vicecomitibus detis per literas Regias in mandatum, ut dictis Collectoribus ſint in auxilium ad ipſam Decimam levandam manu valida ſi neceſſe fuerit, cum per dictos Collectores ad hoc fuerint requiſiti. Hoc acto noſtro officio de ipſo negotio nobis ſcribito. Valete. Bundela Brevium, An. 1 E. 1. num. 16.

Hereupon the Chancellor iſſued theſe enſuing Writs to all the Sheriffs of *England* and ſome others, to aſſiſt the Collectors accordingly.

REX Vicecomiti *Wigorn.* ſalutem. Cum nonnulli Abbates, Priores, Religioſi et Clerici Decimam tam temporalium quam ſpiritualium nobis a ſede Apoſtolica ad duos annos conceſſam, detineant, et arreragia ejus ſolvere contradicant, propter quod executores ad ipſam decimam colligendam per regnum noſtrum in ſingulis Dioceſſis deputati, ipſos excommunicationis ſententia auctoritate Apoſtolica innodarunt. Nos eorum induratam maliciam reprimere volentes, tibi præcipimus firmiter injungentes, quod prædictam decimam et ejus arreragia a prædictis detentoribus ſeu contemptoribus, vel eorum beneficiis et bonis in Com. prædictis celeriter levari facias, quandocunque a dilecto nobis Magiſtro *Reymundo de Nogeriis* Domini Papæ Capellano, prædictæ decimæ Collectore generali, vel ejus ſubſtitutis fueris requiſitus; eandem decimam et arreragia ejuſdem decimæ Collectoribus aſſignando. Mandatum noſtrum in hac parte impleturus, ne pro defectu executionis ipſius, nos ad te et bona tua recurrere pro decima et arreragiis hujuſmodi non contingat. Teſte Rege apud *Wyndeſ.* decimo die *Septembris.* Clauſ. 2 E 1. m. 5. dorſo. De decima.

Conſimiles litteræ diriguntur ſingulis Vicecomitibus per *Angl.* et Cuſtodibus Epiſcopatus *Dunelm.* et Juſtic. *Ceſtren.* Such rigor and power of both ſwords muſt be uſed to enforce and extort theſe Diſmes from the Abbots and Clergy.

It ſeems the Biſhop of *Winton* compounded, and payed a Fine of 500. Marks for his two years Diſmes to the Popes Collector, for which he received this Acquittance from the King, *Anno* 2 E. 1.

REX

Anno 2 E. 1.

Pat. 2 E. 1. m. 24. intus. Pro Episcopo Wynton.

REX omnibus ad quos præsentes Literæ pervenerint, salutem. Sciatis, quod venerabilis Pater *N. Wynton.* Episcopus satisfecit Magistro *Reymundo de Nogeriis* Domini Papæ Nuncio, nomine nostro de quingentis Marcis, per quas idem Episcopus finem fecit nobiscum et cum eodem *Reymundo* pro decima temporalium suorum de duobus primis annis, de illis duobus annis de quibus Dominus Papa nobis gratiam fecit de decima bonorum Ecclesiasticorum regni nostri. De quibus quidem quingentis Marcis præfatum Episcopum tenore præsentium penitus quietamus. In cujus, *&c.* Dat. apud *Westm.* 24. die *Novembris.*

What part of the new Dismes granted to the King, he received from the Popes Collector, these Records will inform us.

Pat. 2 E. 1. m. 7. De denariis a Magistro Reymund. receptis.

REX omnibus, *&c.* salutem. Noveritis nos habuisse & recepisse à discreto viro Magistro *Reymundo de Nogeriis* Domini Papæ Capellano & Nuncio, mille Marcas bonorum et leg. sterlingorum, de pecunia per Prælatos *Angl.* ad preces Domini Papæ nobis concessa, et per dictum Magistrum *Reymundum* collecta, et *Lucæ de Luk* Mercatori nostro ad mandatum nostrum liberata. De quibus quidem mille Marcis nos fatemur ac recognoscimus bene esse pacatos & contentos. In cujus, *&c.* Teste Rege apud *Turrim London.* 10. die *Octobris.*

Pat. 2 E. 1. m. 3. intus. Pro Executoribus Testamenti Cicestr. Episcopi.

REX dilectis sibi in Christo Magistro *Reymundo de Nogeriis* Domini Papæ Capellano & Nuncio, salutem. Mandamus vobis quod de denariis quos penes vos habetis in custodia de Decima a sede Apostolica nobis concessa, habere faciatis dilecto nobis *Willielmo de Rading* Canonico *Cestriæ*, & cæteris coexecutoribus Testamenti bonæ memoriæ quondam *Ciceſtriæ* Episcopi, quinquaginta Marcas, in partem solutionis debitorum in quibus Dominus *H.* Rex pater noster eisdem die quo obiit tenebatur. Et nos dictas quinquaginta Marcas vobis in dicta Decima faciemus allocari. In cujus, *&c.* Teste Rege apud *Luton.* 2. die *Novembris.*

At the same time the King (wanting Monies) appointed special Collectors of the arrears due upon the Dismes granted to his Father by the Pope towards the relief of the *Holy Land*, by this Patent.

Pat. 2 E. 1. m. 5. De vicesima colligenda.

REX dilectis & fidelibus suis fratri *Stephano de Foleburn.* Electo de *Waterford.* & *Willielmo de Middleton*, salutem. Sciatis, quod assignavimus vos ad arreragia vicesimæ Domino *H.* Regi patri nostro in subsidium Terræ sanctæ in regno *Angliæ* concessæ, colligenda et adunanda, necnon ad fines a detentoribus ejusdem vicesimæ vel arreragiorum ejusdem, inde nomine nostro recipiendos, prout ad opus nostrum magis videritis expedire. Et ideo vobis mandamus, quod præmissis intendatis in forma prædicta. In cujus, *&c.* Teste Rege apud *Westm.* 18. die *Octobr.*

How the King disposed of the Temporalties of Bishopricks then in his hands during their vacancies, for his best advantage, this Record will instruct us.

Pat. 2 E. 1. m 7. De terris Episcopatus Dunelm.

REX omnibus, *&c.* salutem. Sciatis, nos plenam dedisse potestatem dilectis & fidelibus nostris *Johanni de Lovetot*, & *Galfrido de Neubald*, Custodibus nostris Episcopatus *Dunelm.* tradendi, nomine nostro ad campi-partem tenentibus Episcopatus prædicti, omnes terras dominicas ejusdem Episcopatus quæ sunt in manu nostra, durante vacatione Episcopatus ejusdem. Ita quod ipsos quibus prædicti *Johannes & Galfridus* dictas terras nostro nomine dimittent ut prædictum est, acceptabimus, & receptores terrarum earundem in forma prædicta super eadem receptione conservabimus indempnes. In cujus, *&c.* Teste Rege apud *Wynd.* 26. die *Septemb.*

The Executors of the deceased Bishop of *Durham*, having put in pledges to satisfie all Debts owing to the King, he thereupon issued this Writ to the Guardians of of the Temporalties for their free administration of his goods, and reaping the Corn he had sowed on his Temporalties, to perform his Testament.

Cl. 2 E. 1. m. 5. intus. Pro Executor. Testamenti Episcopi Dunolm.

REX dilectis & fidelibus suis *Johanni de Lovetot*, & *Galfrido de Neubald*, Custodibus Episcopatus *Dunholm.* salutem. Quia frater *Hugo* quondam Prior *Dunholm.* & Magister *Rogerus de Seyton*, manuceperunt pro executoribus Testamenti bonæ memoriæ *Roberti* quondam *Dunholm.* Episcopi, de debitis, si quæ idem Episcopus die quo obiit nobis debuit, reddend. Vobis mandamus, quod eisdem Executoribus plenam administrationem omnium bonorum quæ fuerunt prædicti Episcopi

habere

habere permittatis, ad Testamentum ipsius Episcopi plenarie perficiend. Permittatis etiam eosdem executores blada et alia bona quæ fuerunt dicti Episcopi in Maneriis prædicti Episcopatus, pro voluntate sua reponere, prout sibi magis viderint expedire. Teste Rege apud *Wyndes.* 27. die *Augusti.* *Anno* 2 E. 1.

Robert de Insula being soon after elected and confirmed Bishop of *Durham* by the Kings consent, he issued this Writ for the restitution of his Temporalties. Pat. 2. E. 1. m 7. intus De temporalibus restituendis.

REX Militibus, liberis hominibus, & omnibus aliis tenentibus de Episcopatu *Dunelm.* salutem. Cum venerabilis pater *W. Ebor.* Archiepiscopus *Angl.* Primas, electionem nuper celebratam in Ecclesia Cathedrali *Dunelm.* de discreto viro fratre *Roberto de Insula*, Priore de *Finkehall* in Episcopum *Dunelm.* cui prius Regium assensum adhibuimus et favorem, confirmaverit, sicut per litteras dicti Archiepiscopi plenius intelleximus, recepimus fidelitatem ipsius Electi, & Temporalia dicti Episcopatus cum omnibus pertinentiis suis ei reddimus. Et ideo vobis mandamus quod eidem Electo tanquam Domino vestro, in omnibus quæ ad Episcopatum illum pertinent, de cætero intendentes sitis & respondentes sicut prædictum est. In cujus, *&c.*

Et mandatum est *Johanni de Lovetot*, & *Galfrido de Neuband*, Custodibus prædicti Episcopatus, quod eidem Electo vel certo Attornato suo prædictum Episcopatum, cum Castris & omnibus aliis pertinentiis suis liberent sine mora. In cujus, *&c.* Teste Rege apud *Norhampt.* 11. die *Novembris.*

In a Bundle of Writs of King *Edward* the First in the *White Tower*, in the second year of his Reign, I met with the draught of this Prohibition concerning Tithes of *Assarts* within the bounds of *Windeshore* Forest, belonging to the King, prohibiting any Suits for them in the Ecclesiastical Court by the Dean an Chapter of *Sarum.*

Bundela Brevium An. 2. E. 1. in Turri London.

CUm Decimæ de Assartis factis infra Forestam seu bundas Forestæ nostræ de *Wyndelsore* sunt de advocatione nostra, et ad nostram pertinere debent collationem, et super perceptione earundem sit querela sive placitum inter vos et Decanum et Capitulum *Sarum* in Curia Christianitatis motum, cum hujusmodi placita ad Coronam et dignitatem Regiam pertinere noscuntur: Vobis mandamus, quatinus prosecutioni dictæ querelæ seu placiti in Curia Christianitatis supersedeatis omnino usque ad proximum Parliamentum nostrum, in quo Parliamento compareatis cum munimentis vestris ad faciendum et recipiendum coram Nobis quod juris fuerit et rationis. By which it appears, that all the Jurisdiction of Pleas for *Tithes* originally belonged to the Kings Crown, Dignity, Courts; not to Courts Christian; and even in that Age, the tryals for the right of Tithes of Assarts within the Kings Forests, whereof the King had the advowson and collation, was to be tryed and determined onely before the King in his Parliament, or other Temporal Courts, not in Ecclesiastical. Whereupon the King afterwards issued a Writ to the Constable of *Windesore* Castle, to sequester these Tithes to his use.

The Bishop of *Bath* and *Wells* laying claim to the Patronage and Custody of the Temporalties of the Abby of *Glastonbury* during the vacancy, the King issued this Writ for sequestring the profits thereof till the right between them should be determined.

Claus. 2 E. 1. m. 11. Pro Bathon. & Wellen. Episcopo.

REX dilecto & fideli suo *Galfrido Foliot* Custodi Abbatiæ *Glaston.* salutem. Cum commiserimus vobis Abbatiam prædictam cum pertin. vacantem, & in manu nostra existentem, custodiendam quamdiu nobis placuerit, & venerabilis pater *W. Bathon.* & *Wellen.* Episcopus, & ejus Ministri patronatum et custodiam ejusdem Abbatiæ ad ipsum Episcopum asserant pertinere: Vobis mandamus, quod ad custodiam ejusdem Abbatiæ unum ex parte prædicti Episcopi vobis assistere permittatis; Ita quod per visum vestrum et ipsius, omnes proventus Abbatiæ prædictæ, et alia ad eandem Abbatiam spectantia salvo et absque distractione, et deterioratione reserventur, quousque de jure nostro seu dicti Episcopi plenius liqueat, et aliud a nobis super hoc receperitis in mandatis. Dat. per manum *W. de Merton* Canc. apud Sanctum *Martinum magnum London.* 8. die *April.* & est litera patens.

What Bishops and Abbots were this year elected or restored to their Temporalties in *Ireland* by the Kings special Grace, and dispensed with in some particulars prejudicial to his Prerogative, with a Proviso that it should not turn to his future prejudice nor be drawn into example, these Records will inform us.

REX

Anno 2 E. 1. Pat. 2 E. 1. m. 1. De Temporalibus restituendis.

REX dilecto Clerico suo *Johanni de Saunford* Escaetori suo *Hiberniæ*, salutem. Cum venerabilis pater *R.* Archiepiscopus *Cassalen.* electionem nuper factam in Ecclesia Cathedrali *Watreford* de fratre *Stephano de Fulburn.* in Episcopum ejusdem loci, cui Regium assensum prius adhibuimus et favorem, confirmaverit, sicut per literas patentes præfati Archiepiscopi plenius accepimus; Nos confirmationem illam acceptantes, Temporalia ejusdem Episcopatus, prout moris est, eidem restituimus. Et ideo vobis mandamus, quod eidem Electo Temporalia Episcopatus prædicti restituatis. In cujus, *&c.* Teste Rege apud *Westm.* 28. die *Octobris*.

Et mandatum est Militibus, liberis hominibus, & omnibus aliis Tenentibus de Episcopatu *Watreford*, quod eidem fratri *Stephano* tanquam Domino & Episcopo in omnibus quæ ad Episcopatum illum pertinent intendentes sint & respondentes, sicut prædictum est.

Pat. 2 E. 1. m. 24. Pro Episcopo Finibr.

REX dilecto & fideli suo *Galfrido de Gyenvill* Justic. *Hibern.* salutem. Cum venerabilis pater *David* Archiepiscopus *Cassalen.* electionem nuper factam in Ecclesia Cathedrali *Finibrian.* de dilecto nobis *Florencio* nuper Abbate de *Kelseing.* in Episcopum *Finibrian.* cui Regium assensum prius adhibuimus et favorem, confirmaverit, sicut per literas patentes ipsius Archiepiscopi plenius accepimus. Nos laboribus et expensis præfati Electi parcere, et sibi gratiam facere volentes, Vobis mandamus, quod fidelitatem ipsius Electi nomine nostro recipiatis, et sibi temporalia Episcopatus prædicti restituatis de gratia nostra speciali; Receptis tamen prius literis præfati Electi patentibus, quod gratia illa sibi hac vice facta, nobis aut hæredibus nostris non cedet in præjudicium temporibus futuris. In cujus, *&c.* Datum apud *Westm.* 30. die *Novembris*.

Nota.

Pat. 2 E. 1. m. 18. De licencia eligendi, & temporalibus restituendis.

REX dilecto & fideli suo *Galfrido de Gyenvill.* Justic. suo *Hiberniæ*, salutem. Accedens ad nos frater *Christinus* Canonicus Monasterii de *Machill Dunen.* Dioc. literas patentes Supprioris & Conventus vacante nuper Ecclesia sua prædicta per mortem *Colmani* nuper Abbatis ejusdem loci, ipsum *Christinum* sibi elegerunt in Abbatem, et nobis supplicarunt, ut electioni ipsorum Regium adhibere dignaremur assensum. Verum licet dicti Suppriores et Conventus minus prudenter, non prius petita vel optenta a nobis licencia eligendi, ad electionem hujusmodi in nostri præjudicium processerunt, eis tamen ob eorum exilitatem misericorditer compatientes offensam prædictam eisdem remittimus ad præsens: et ut eorum parcatur laboribus et expensis, ipsos ad vos remittimus, licenciam a nobis hujusmodi petituros. Vobis mandantes, quod prædictis Suppriori et Conventui licenciam eligendi sibi Abbatem cum a vobis petita fuerit, * Regio nomine concedatis, et Electo ipsorum si idoneus fuerit, assensum Regium præbentes, eidem Temporalia dictæ Abbaciæ prout moris est, et ad nos pertinet vice nostra restituatis. Nolumus autem quod gratia ista eis liberaliter facta trahatur in consuetudinem vel consequenciam temporibus futuris. Dat. per manum, *&c.* apud Sanctum *Martinum magnum London.* 17. die *Maii*.

Nota.

* All who exercise any jurisdiction derived from the King, ought to do it in his name & stead.

What Prebendaries he conferred in *Ireland* this year by his Prerogative, belonging to vacant Bishopricks, these Records relate.

Pat. 2 E. 1. m. 12. De prebendis concessis.

REX concessit *Henr. de Wodestok* Clerico suo Præbendam illam cum pertinent. quam Magister *Rogerus le Dru* nuper defunctus habuit in Ecclesia *Dublinensi* vacantem per mortem prædicti *Rogeri*, & ad donationem Regis spectantem, ratione Archiepiscopatus *Dubliniæ* vacantis, et in manu Regis existentis. Dat. per manum, *&c.* apud *Westm.* 7. die *Julii*. Per *R. Burnell*.

Ibidem.

REX concessit *Anton. Bek* præbendam illam cum pertin. quam *Michael de Roymull* nuper defunctus habuit in Ecclesia *Dubliniæ*, vacantem per mortem prædicti *Michaelis*, & ad donacionem Regis spectantem, ratione Archiepiscopatus *Dublinia* vacantis, *&c.* ut supra. Dat. *&c.* ut supra.

A new Archbishop of *Dublin* being elected this year, who resided with the Queen of *Scots* in *Scotland*, the King at her special request granted him this Priviledge, to make Attorneys to appear for him in all his Courts, and to exempt him from all Amercements, for not appearing personally in them.

Claus. 2 E. 1. m. 7. dorso Pro Episc. Dublin.

REX ad instantiam sororis suæ Reginæ *Scotiæ*, concessit *R. Dublin.* Episcopo in *Scotia* commorantem, quod Magist. *Robertus de Robery*, quem idem Episcopus co-

coram Rege loco suo constituit, nomine ipsius Episcopi, possit Attornatos facere ad lucrandum vel perdendum in Loquelis motis vel movendis in *Curia R.* coram *quibuscunque Justic. & Baronibus de Scaccario*; & in *Comitatibus*, *Hundredis*, & aliis *Curiis Regis*, pro ipso vel contra ipsum, usque ad finem septem annorum. Et quod idem Episcopus per tempus prædictum quietus sit de omnimodis communibus summonitionibus Justiciariorum Regis Itinerantium, tam ad Placita Forestæ, quam ad alia Placita, in quibuscunque Com. ipse Episcopus terras habuerit vel tenementa. Ita quod ipse occasione absentiæ suæ non amercietur, nec in aliquo sit perdens pro communibus summonitionibus prædictis. Teste Rege apud *Wyndesore*, 27. die *Augusti*. *Anno* 2 *E.* 1.

The Archbishop of *Cassal* in *Ireland* being sued, prosecuted, and distrained by the Barons of the Kings Eschequer there, for Debts due by him to the King; He thereupon procured these two Writs to the Treasurer, Barons, and Chief Justice in *Ireland*, to suspend all further processe and proceedings against him for a time, and till the King himself should return into *England*, where he would take further orders therein.

REX dilectis & fidelibus suis Thesaurario, vel ejus locum tenenti, & Baronibus suis de *Dublin.* salutem. Mandamus vobis, quod omnes Gractiones, Demandas, et Districtiones, quas facitis venerabili patri *Cassalensi* Archiepiscopo pro Debitis nostris, ponatis in respectum usque ad Quindenam Sancti *Michaelis* proximo venturam. Datum, &c. apud *Westm.* 9 die *Julii*. Ex Rot. Claus de An. 2 Ed. 1 m. 6. intus. Pro Archiepis. Cassalen.

REX dilecto & fideli suo *Galfrido de Geymuil.* Justiciario suo *Hiberniæ*, salutem; Mandamus vobis, quod omnimodas Gractiones, Demandas et Districtiones, quas fieri facitis venerabili Cassalen. Archiepiscopo, ponatis in respectum usque adventum nostrum in Angl. ut tunc inde provideatur, quod rationabiliter fuerit inde faciendum; nullam molestiam sibi vel Ecclesiæ suæ interim inferendo. Dat. &c. 13 die *Julii*. Per *D. Burnell.* Ibid. Pro Archiepiscopo Cassalensi.

I found in the White Tower this Original Bull of Pope *Gregory* 10. to K. *Edw.* 1. imploring his royal favor to, and protection of the Lands, goods and person of this Archbishop of *Cassal*, against suites and oppressions, who had taken up the Crosse for the Holy Land (purposely to secure himself from his Debts and Creditors) whom this Pope had taken into his own and St. *Peters* protection upon that account.

GRegorius Episcopus, Servus servorum Dei; Charissimo in Christo filio *E.* Regi *Angliæ* illustri, salutem, & Apostolicam benedictionem. Honori Regio satis addicitur, si ob reverentiam summi Regis (* qui solus habens in regnis hominum potestatem, solus Regibus dat salutem) Ecclesiæ ac earum Ministri terrenorum Regum ac Principum potentiæ opportunis protegantur auxiliis et congrui favoris præsidio fobeantur. Sane venerabilis frater noster *Cassalen.* Archiepiscopus, *zelo fidei ac debotionis accensus, miserabili statui terræ Sanctæ compatiens, signo bivificæ Crucis assumpto, ad ipsius terræ subsidium se accingit; propter quod ipsum quàm et Ecclesiam Cassalen. cum omnibus bonis suis quæ impræsentiarum obtinet, sub beati Petri et nostra protectione suscepimus, apud te credimus promoveri, ut tam ipse quam eadem Ecclesia favorabilibus adjuti subsidiis, et Regalis gratiæ subnixi favoribus, abstrahantur ab oppressionibus malebolorum quorumlibet, et ad votivorum prosperitatem successuum dirigantur. Confidenter igitur Celsitud. tuam requirendam duximus & effectuose rogandam, quatinus eisdem Archiepiscopo & Ecclesiæ pro divina nostra reverentia, sic te reddas affectu benevolum & opere gratiosum, ut idem Archiepiscopus tuo fretus auxilio, tuoque favore suffultus, liberè possit perficere Votum suum, et ipsa Ecclesia nullam incurrat exinde in suis Juribus lesionem, sed oblatis potius proficiat incrementis. Et tu per hæc & alia quæ in terris gesseris æternæ vitæ gaudia merearis. Dat. *Lugduni* 4. Non. *Octobris* Pontificatus nostri anno tertio.

* Therefore the Pope hath no Soveraign power nor dominion over them.

* It was rather to protect himself fró the debts he owed to the King & others, for which he was sued, distrained the year before.

An. 2 *E.* 1. In a Fragment of Plea Rolls, or *Placita de An.* 2 *E.* 1. *Rot.* 19. (in the Tower of *London*) I find these Attachments for contempts on Prohibitions for suits in Court Christian for Goods and Debts that concerned not *Testament* or *Marriage*.

Placita 2 E. 1. Rot. 19. Bedf. *Ricardus* Prior de *Bismade* attachiatus fuit ad respondend. *Johanni de Gisors*, &c. de placito, quare tenuit placitum in Curia Christianitatis de Catallis et Debitis quæ non sunt de Testamento vel Matrimonio, contra prohibitionem, &c. Et unde prædictus *Johannes* Magister Hospitalis Sancti *Johanis Jerusalem* in *Anglia* traxit eos in placitum in Curia Christianitatis de *Bismade* in Ecclesia Conventuali de *Bismade*, &c. quæ non sunt de Testamento vel Matrimonio. Et cum idem *Johannes* & *Stephanus* die Veneris in dicta Ecclesia Conventuali detulisset prædicto Priori de *Bismade* Prohibitionem, &c. prædictus Prior de *Bismade* spreta Regia prohibitione, fecit eum primo suspendi ab ingressu Ecclesiæ, et postea excommunicari, ad dampnum ipsius ad valenciam quadraginta librarum. Et inde producunt sectam. Et Prior venit, & defendit vim & injuriam, &c. quod non tenuit placitum contra prædictam prohibitionem: & hoc paratus est verificare prout Curia consideraverit. Ideo consideratum est quod vadiet ei legem se 12. manu, &c. ——— a die Sancti *Michaelis* in 15. dies. Plegii de lege *Johannes de Gros*, &c. Postea ad diem illum prædicti *Johannes de Gisors* & *Stephanus* versus prædictum Priorem veniunt, & ipse non venit. Et ideo consideratum est, quod prædictus *Johannes*, &c. recuperent dampna sua quadraginta librarum, & Prior in misericordia. Postea venit prædictus Prior in propria persona sua. Inde nichil inde, &c. Et misericordia pardonatur ad instanciam, &c.

Ibidem Rot. 29. Midd. Abbas de *Bello loco* per Attornatum suum optulit se, &c. quare secutus est placitum in Curia Christianitatis, de catallis et debitis quæ non sunt de Testamento vel Matrimonio, &c. Et ipse non venit, & præceptum fuit Vicecomiti quod attachiaret, &c.

Ibidem Rot. 32. Sussex. *Johannes Pye*, & *Johannes de Brommesheye* per Attornatum suum optulit se 4. die versus Magistrum *R*———. Magistrum *Nicholaum de Sutton*, & *Rogerum Alard*, de placito, quare prædicti *Rogerus* & *Nicholaus* tenuerunt placitum in Curia Christianitatis, de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra prohibitionem, &c.

Ibidem, Rot, 38. *Nicholaus* filius *Simonis de Benington* per, &c. optulit se, &c. versus —— fil. *Simonis de Benington*, &c. de placito quare secuti sunt plac'. &c. de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra prohibitionem, &c. Ideo sicut prius præceptum est Vicecomiti, quod attachiet eos quod sint, &c.

By these several Attachments and Suits upon Prohibitions we may discern; 1. The Prelates, Clergies, and Ecclesiastical Courts continual, restlesse Encroachments and Usurpations upon the Kings temporal Jurisdiction, Courts, Rights, Priviledges, Crown, Dignity, and Subjects liberties in the beginning of the reign of King *Edward* the 1. as well as during the reign of King *Henry* 3. notwithstanding all former Prohibitions, Attachments, Suits, Complaints and Judgements against them in such cases. 2ly. This Kings and his Judges constant care to obviate, prohibit, suppresse, punish these their bold usurpations and encroachments, by Prohibitions and Attachments against the Prosecutors of such Suits, and the Ecclesiastical Judges who held and encouraged them. 3ly. That their Courts and Jurisdiction Ecclesiastical, were then confined only to Chattels and Debts which concerned *Matrimony* and *Testaments*, (not to other Chattels, Debts, Advowsons or Freeholds;) which Jurisdiction they enjoyed, not by any Original Archiepiscopal, Episcopal, or Ecclesiastical right inherent in themselves, or derived to them from Christ or his Apostles, (as Popes, Popish Prelates, Canonists, and others most erroniously assert;) but by the mere grant, grace, favour, or connivance of our Kings, and other Christian Emperors, Princes in forreign parts, and that only in their Right, Steeds, Names, as their Deputies, Delegates, and Substitutes.

This is most perspicuously evident; First, by our Saviour Christs own resolution and answer in a case of the same nature, thus recorded to posterity by St. *Luke* the Evangelist, Lu. 12. 13, 14. *And one of the Company said unto him, Master, Speak to my Brother,* that he divide the Inheritance with me: *And he said unto him, Man,* Who made me a Judge or divider over you? By the 12. Apostles and whole Churches determination, Acts 6. 2, 3, 4. *Then the* 12. (*Apostles*) *called the multitude of the*

An. 2 *E.* 1.

the Disciples unto them and said, It is not reason that we should leave the Word of God and serve Tables; *wherefore, brethren, look ye out among you* 7. *men of good report, full of the Holy Ghost and wisdom*, whom we may appoint for this business; But we will give our selves continually to prayer, and to the Ministry of the word: *And the saying pleased the whole multitude.* By St. *Pauls* positive resolution, 2 Tim. 2. 4. No man that warreth (a spiritual warfare) intangleth himself with the affairs of this life, that he may please him who hath chosen him to be a souldier; compared with 2 Tim. 4. 1, 2, 4, 5. Acts 13. 2. Rom. 1. 1. Mat. 28. 19, 20. Acts 20. 28. to 36. 1 Pet. 5. 1. to 5. 1 Cor. 6. 4, 5. & most Expositors on these Texts.

2ly. By St. *Bernards* Resolution from the precedent Texts, who writ thus to Pope *Eugenius*, his Scholar; * *Putásne hæc tempora sustinuerint, si hominibus litigantibus pro terrena hæreditate & flagitantibus abs te judicium, voce Domini tui responderis*; O homines, Quis me constituit Judicem super vos? *In quale tu Judicium mox veniris? &c. Et tamen non monstrabunt puto, qui hoc dicent*, ubi aliquando quisquam Apostolorum Judex sederit hominum, aut dibisor terminorum, aut distributor terrarum. Stetisse denique lego Apostolos judicandos, sedisse judicantes non lego. Erit illud, non fuit. *Itane imminutor dignitatis servus, si non vult esse major Domino suo? aut discipulus, si non vult esse major eo, qui se misit? aut filius, si non transgreditur terminos quos posuerunt patres sui?* Quis me constituit Judicem? *ita te Dominus & Magister: & erit injuria servo discipuloque, nisi judicet universos?* Quidni contemnant judicare de terrenis possessiunculis hominum, qui in cœlestibus et Angelos judicabunt? Ergo in criminibus, non in possessionibus potestas vestra: quoniam propter illa, et non propter has accepistis claves regni Cœlorum, Præbaricatores utique excluduri, non Possessores. *Quænam tibi major videtur & dignitas & potestas, dimittendi peccata*, an prædia dividendi? *Sed non est comparatio.* Habent hæc inferna et terrena Judices suos, Reges et Principes terræ. Quid fines alienos invaditis? Quid falcem vestram in alienam messem extenditis? Non quia indigni vos, sed quia indignum vobis talibus inistere, quippe potioribus occupatis. The very same is likewise asserted by most antient and modern Commentators and Expositors on St. *Luke*, ch. 12. v. 13, 14. Yea by *Johannes Ferus* in his Commentary on St. *Matthews* Gospel, lib. 3. cap. 16. on these words of Christ to *Peter*, *Tibi dabo claves regni cœlorum*; who from thence, and St. *Bernards* premised passages concludes, That neither St. Peter, nor the Pope himself hath any Temporal Monarchy, Judicature, or Jurisdiction, in or ober any Temporal possessions or affairs, to divide, distribute any Temporal estates, goods or chattels, by any Divine or Ecclesiastical right: Therefore no other Apostle, Bishop, or Ecclesiastical person whatsoever can pretend thereto.

* De Consideratione ad Eugenium Papam, l. 1.

Acts 5.

3ly. It is undeniable; That the Jurisdiction, Probate, Conusance, Judicature of all Wills, Testaments concerning Lands or Goods, together with the disposition and administration of all Intestates Goods, Chattels, Debts, & all causes concerning them, or Matrimony, antiently belonged to Emperors, Kings, Princes Temporal Courts, Jurisdictions, & Judges alone, (not to Bishops) who made many Laws, Constitutions, Rescripts, Judgements and Resolutions concerning them, collected and recorded by the Emperor *Justinian*, Codicis lib. 1. Tit. 7. *De Episcopali audientia*, lib. 3. Tit. 28. *De inofficioso Testamento*, Tit. 29. *De inofficiosis Donationibus*, lib. 6. Tit. 21. *De Testamento Militis*. Tit. 22. *Qui Testamenta facere possunt vel non possunt*. Tit. 23. *De Testamentis, & quemadmodum Testamenta ordinentur*. Tit. 24. *De hæredibus instituendis*, Tit. 25, 26, 27, 28, 29, 30, 31, 32, 33. & Tit. 34. *Si quis aliquem testari prohibuerit vel coegerit*. Tit. 36. *De Codicillis*. Tit. 37. *De Legatis*. Tit. 39. *Si omissa sit causa Testamenti*. Tit. 41. *De his quæ pœnæ nomine in Testamentis vel Codicillis scribuntur*: Tit. 42, 43. *De fidei commissis, & Legatis*. & Tit. 44. to 61. Lib. 5. Tit. 1. *De Sponsalibus & Arris sponsaliciis*. Tit. 3. *De Donationibus ante Nuptias, vel propter Nuptias, & Sponsalitiis*. Tit. 4. *De Nuptiis*. Tit. 5. *De Incestis & inutilibus Nuptiis*. Tit. 6. *De Interdicto Matrimonio inter pupillam & tutorem, seu curatorem, filiisque eorum*, & Tit. 7. to 40. By several Imperial Lawes, Edicts and Judgements to the same purpose in *Codice Theodosii*. In *Legis Wisigothor.* l. 3. Tit. 1, 2, 3, 4, 5. lib. 4. Tit. 2. & 5. lib. 5. Tit. 2. lib. 7. Tit. 5. Lex 4, 5. *Edictum Theodorici Regis*, cap. 20. to 40. & 72. *Leges Burgundiorum*, Tit. 43. 60. *Leges Longobardorum* 1. Tit. 14. Lex 13. Lib. 2. Tit. 18. *Leges Neapol.* lib. 3. Tit. 40.

An. 2 E. 1. *Leges Anglorum*, Tit. 13. *Capitularia Caroli Magni & Ludovici*, Lib. 7. Tit. 246, 247. registred in *Frid. Lindebrogus* his *Codex Legum Antiquarum*, where you may peruse them: And by Sir *John Davis* his *Irish Reports*, fol. 52. where it is resolved, That all Causes, as well of Matrimony as of Testament, were Civil Causes, and appertained to the Jurisdiction of the Civil Magistrate, as is well known to all Civilians, until Christian Emperors and Kings, to do honor to Prelates and Clergymen, granted or allowed them cognisance or Jurisdiction of such causes, *cum non fuit sic ab initio.*

4ly. That Bishops, Ordinaries, Ecclesiastical persons, Courts, both in forraign parts and our own Realm, obtained the Conusance, Jurisdiction of all Testamentary Chattels, Debts, Cases, and Probates of Testaments, and also of Matrimony, by the grant of Princes, and consent of our Kings and Nobles in Parliament, or else by Custom, connivance, or gradual insensible usurpations on the rights and prerogatives of the Crown, is evident not only by the last recited Laws, Authorities, but confessed by *Othobon* the *Popes Legate*, by *Boniface*, and *John Stratford* Archbps of *Canterbury* in their *Constitutions*, and by * *Will. Lyndewode* himself, our greatest Canonist, in his Gloss on Archbishop *Stratford* his *Constitutions*, *De Testamentis*: where he propounds and resolves this question; *Sed possit quæri*, unde provenit hæc libertas (Ecclesiæ) quoad casum nostrum (de Testamentis?) Videtur namque quoad primùm, quod Ecclesia non haberet se intremittere de tali approbatione Testamentorum, sed potius pertineret ad Judices Laicos, ut in L. consulta divalia, &c. Dic, quod hæc libertas quoad approbationem hujusmodi (Testamentorum) fundatur super consensu Regio et suorum Procerum in talibus ab antiquo concesso. Item, super consuetudine in ea parte de scientia Regum Angliæ diutius conservata.

* Provinciale, l. 3. De Testamentis, f. 128. h. Ecclesiasticarum libertatum.

5ly. Sir * *Edward Cooke* and our other *Judges* resolved in *Hensloes Case* Trin. 42 *Eliz.* and before that, in the *Year-Books* of 2 *R.* 2. *Fitz.* Testament 4. 11 *H.* 7. f. 12. b. *Brooke Administrator* 50. & Testament 27. That the Probate and Conusance of Wills and Testaments did not anciently, but of late times belong to the Spiritual Courts within this Realm, and that not by the Spiritual Law, but by the consent of the King and Nobles; the Temporal Lords in all other Countries except England, and the Lords of Manors in many places of England, having till this day the probate of Wills by Custom and Prescription. In what particular year, or by what Kings particular grant our *English* Bishops, Ordinaries, and Spiritual Courts first obtained this new Jurisdiction of proving, disapproving, and holding Plea of mens Wills, Testaments, and matters conteined in or relating to them, I cannot positively determine, but I conjecture they began after the reign of King *William the Conqueror*, and his Sons, in the reign of King *Henry* the 2. That which induceth me hereunto, is this passage in *Ranulphus de Glanvilla*, *Tractatus de Legibus & Consuetudinibus Regni Angliæ*, lib. 7. where after he had treated of the manner of making Testaments, c. 5. & 6. *Debet autem Testamentum fieri coram duobus vel pluribus viris legitimis Clericis, vel Laicis; & talibus qui testes inde fieri possunt idonei, &c.* (which this King *H.* 2. likewise * *setled for a Law* in *Ireland*, in the Council of *Cassal*, An. 1172. c. 6.) He thus begins his 8. Chapter. *Si quis autem authoritate hujus brevis conventus aliquid dixerit contra Testamentum, scilicet*, quod non fuit rationabiliter factum, *vel*, quod res petita non fuerit ita ut dicitur legata, tunc quidem placitum illud in Curia Christianitatis audiri debet et terminari: Quia placita de Testamento coram Judice Ecclesiastico fieri debent, et per illorum cui Testamento interfuerunt testimonia, secundum juris ordinem terminari. Which being the first authority I meet with concerning the Jurisdiction of Ecclesiastical Courts in cases of Testaments, and questions arising on them; whereof I finde no mention in any of our antient *Saxon*, *Danish*, *Norman* Kings Lawes or Constitutions, nor in the Lawes or Charters of King *Henry* the 1. or King *Stephen*, I thereupon conjecture, that King *Henry* the 2. by some Charter or Condescention first granted them this Jurisdiction; And that upon this account, because *most mens* [1] *Wills and Testaments in that age were written and attested by Priests and Clergymen, when they came to visit them in their sick beds*, (few others being then able to read or write) and all Clergymen being [2] *prohibited* by the *Canons and Constitutions* of Pope *Honorius*, *Eugenius* the 2. and *Alexander* the 3. in the Council of *Lateran* under him, Anno 1180, before *Glanvil*

* Giraldus Cambrensis, Hibernia Expugnat. c. 34. Spelmanni Concil. Tom. 2. 98.

[1] See Spelmanni Concil. Tom. 2. p. 155, 180, 205, 387.
[2] Surius Concil. Tom. 3. p. 682. See here, Tom. 2. p. 707.

vil writ his Book, or was made chief Justice, (*viz.* [3] Anno 1181, or 1194. as others compute) *to take any Oath, or give Testimony upon Oath before any Secular Judges or Court in any Criminal or Civil Cause, without the Popes or their Bishops* [4] *special license*; thereupon they obtained this Jurisdiction of Probate of Wills, and all causes, goods concerning them, from King *Henry* 2. at or about the time he purged himself from the murder of *Thomas Becket*, and quitted much of his antient Soveraign Regal Jurisdiction to the *Pope* and *English Prelates*, to purchase his peace from their vexations and Censures.

Anno 2 *E.*1.

[3] See Mr. Dugdales Origines Jud. ciales, pars 2 p 4.

[4] See Here, Tom. 1. p 670 to 710.

6ly. This point was likewise thus unanimously resolved by our *Judges* in *Ireland*, in Sir *J. Davis* his *Irish Reports*, *The Case of Trial of Legitimacy and Bastardy*, f. 51, 52. Our Kings of England though they (of later times) granted or permitted their Bishops & Ecclesiastical Courts to have Conusance & Jurisdiction of Causes of Matrimony and Testament; yet they always had and reserved a Superintendency and Jurisdiction to direct and regulate their proceedings therein by the rules of the Common Law, and to restrain and correct their proceedings if extravagant or illegal, by their Writs and Prohibitions directed to Bishops and Ordinaries, and by Attachments and Consultations, extant in all ages in our Records and Law-books.

In the Book stiled *Regia Majestas*, or the Statutes o *Scotland*, collected by *John Skene*, printed at *Edingburgh*, An. 1609. dedicated to *King James*, Book 1. ch. 2. *Causes pertaining to the Kirk*, Sect. 1. & 6. there is this clause, The Play of Douries and Testaments pertains to the Ecclesiastical Jurisdiction. And l 6. c. 36. *Of Testaments*; & ch. 37, 38, 39. *Of the Division of any gudes on ane Testaments, of Witnesses and Executors, Payment of Debts approved by the Testator*, I finde sundry Laws concerning *Testaments*, which he in his Margin, and Sir *Henry Spelman* in his *Councils*, Tom. 2. p. 37. attribute to *Malcolme* the 2. King of *Scotland* in the year of our Lord 1130. in the reign of our King *Henry* the 1. But these pretended Lawes are transcribed *verbatim* out of *Glanvil* and *Magna Charta*, by Mr. *Skene*, who quotes *Glanvil* in his Margin; and so is his Law of *Intestates goods*, which he attributes to *William* King of *Scots*, Anno Dom. 1165. ch. 22. as his quotation of *Glanvil* to it clearly manifests; the *Scots Kings* deriving sundry of their Laws from our *English Kings* as their *Supream Lords*, to whom they* *did homage* and *swore fealty*, not our *English* Kings from them. This Jurisdiction in the probates and cases of Testaments and last Wills derived from our Kings, our Ecclesiastical Courts, Judges, have for the most part enjoyed ever since King *Henry* the 2. his reign, but not before, for ought appears.

* See Matth. Westm. Ann. 1301. p 426, to 437.

But though they then obtained this Jurisdiction in cases of Matrimony, Testaments, Wills, Legacies, Testators Debts and Chattels, yet neither before, then, nor for many years after, did they receive or enjoy any legal Jurisdiction over the Chattels, Goods, or Debts of persons dying intestate, especially Laymens.

The first Law extant which seems to ordain ought concerning Intestates Goods, is this, in the last Classis of our [5] King *Edmunds* Laws, An. Dom. 944. *De Sponsalibus contrahendis*, c. 4. *Si quis virginem vel viduam ducere velit, & hoc illi placeat & amicis suis, &c. Postea dicat Sponsus, quæ bonorum parte uxorem donat, præter hanc quam ex ejus beneplacito ipsa prius coaptaverat: Et quid ei destinet si supervixerit ipsum. Si sic quoque eveniat*, tunc justum est, ut ipsa habeat dimidiam partem omnium bonorum, et si prolem inter se susceperint, integritatem ipsam donec transeat ad secundas nuptias; whether he made a Will or died intestate, as some expound it. But this Constitution seems to be only by vertue of the husbands præcontract at the espousals, to which this recited Law relates, and not by this or any precedent Law or Custom of the Realm touching Intestates goods, of which I can find no mention or footsteps in any of our old *Saxon* Kings Lawes or Constitutions.

[5] Chron. Joan Bromton, col. 861: Spelmanni Concil. Tom. 1. p. 415, 416. Mr. Nath. Bacon his Historical Discourse of the Uniformity of the Government of Engl. cap 42. p. 108, 109, a Spelmanni Concil. Tom. 1. p 625. Mr. Nath. Bacons Historical discourse, &c cap 42, p. 129.

The first Expresse Law now extant made in this our Realm concerning Intestates Goods, is that of King *Edward the Confessor*, (which Sir [a] *Henry Spelman* conceives not to be first made and introduced by him, *sed Antecessorum suorum legibus* (*præsertim Regis* Canuti, *ut animadvertit* Malmesburius) *ductæ plerunq*; stiled, *Leges S.* Edwardi *Regis, quas in* Anglia *tenuit, id est, observavit, non quas tulit, hoc est, instituit*) *viz. cap.* 5. De intestatorum bonis, (promulged about the year of Christ 1056.) Si quis Intestatus obierit, liberi ejus Hæreditatem (to wit, his Goods and Chattels.) æqualiter dividant; *yet with a salvo of the Wives portion, as some conjecture.*

An. 1 E. 1. conjecture. This Law was afterwards inserted *verbatim* into the Lawes of King *William the Conqueror*, Lex 36. published by Mr. [b] *Selden* out of the Copy of Abbot *Ingulphus*, and into the Charter of King *Henry* the 1. Upon which Law (thus ratified both by the *Confessor* and *Conqueror*) the antient Writs *De rationabili parte bonorum*, extant [c] in *Glanvill*, [d] *Bracton*, [e] *Fleta*, the [f] *Register of Writs*, and [g] *other Lawbooks* (in common use in the Reigns of King *Henry* the 2. and his successors) were originally grounded. From whence it is most irrefragably evident, that both before and during the Reigns of King *Edward* the *Confessor*, *William* the *Conqueror*, *William Rufus*, (and likewise of King *Henry* 1. and 2. *Richard* the 1. King *John*, and *Henry* the 3d. as I have [h] *elsewhere* proved) the Bishops, Ordinaries, and Ecclesiastical Judges of this Realm had no legal power at all to distribute or dispose of the Goods, Chattels or Debts of those who dyed Intestate, but only their *Children*, and *Kinred*; or the *King*, or *Lords of whom they held their lands.*

b Ad Eadmerum & Notæ & Spicilegium p 184 Spelmanni Concil Tom 1. p. 625

c De Legibus Ang l 7 l. 7 l. 13. c 20

d Lib. 2 f 60.

e Lib. 2 c 50.

f Pars 1 f 142.

g Fitzh. Nat. Brev. f. 122.

h Here, p 13, 14, 15, 90, 91, 92.

This Law of the *Confessor* and *Conqueror* was grounded on, and transcribed out of the Law of *the twelve Tables*, the Lawes of the Roman Emperors *Severus*, *Antoninus*, *Diocletian*, *Maximinianus*, *Valentinianus*, *Theodosius*, *Justinianus*, and others made and used among the *Romans*, recorded by *Justinian*, Codicis lib. 6. Tit. 54. *De legitimis liberis, & ex filia nepotibus* ab Intestato venientibus; Tit. 57. *de legitimis Haredibus*; Tit. 59. *De bonis maternis & materni generis*; which enacted, *that the Goods and Estates of persons dying intestate should be equally shared, and divided* between their Children, Nephews, and those of the same Stock. *But if they died intestate without Children or lawfull Heirs*; that then they should usually accrue to the publike Treasury; *unlesse in cases of Mariners, Souldiers, Military Officers, Courtiers, and some sort of Artificers; whose Goods and Estates by the Lawes of the Emperors* [i] Constantine, Theodosius, *and* Valentinian, (made out of special favour to them) *were to remain to, and be distributed if they died Intestate without Children or heirs, among their fellow Soldiers, Officers, Courtiers, Artificers, for their better encouragement.*

i Justinian. Codicis, l 6. Tit. 1. De Hæreditatibus Decurionum in Cohortalium Militum & Fabricensium.

The like [k] Laws I meet with among the antient Laws of the *Wisigoths*, made by King *Euricus* about the year 504. *Si pater vel mater* Intestatus discesserint, *tunc sorores cum fratribus in omni parentum facultate absque alio abjectu, æquali divisione succedant.*

k Legis Wisigothorum, l. 4. tit. 2 De successionibus, Lex. 1, 2. 3, 4, 5, &c. Fridericus Lindebrogus Codex legum antiquarum, p 72, 73.

In hæreditate illius qui moritur, si intestatus discesserit, filii primi sunt. Si filii desunt, nepotibus debetur hæreditas. *Si nec nepotes fuerint, pronepotes ad hæreditatem vocentur. Si vero qui moritur, nec filios nec nepotes, seu patrem vel matrem relinquit, tunc avus aut avia hæreditatem sibi vindicabit.*

Quando supradictæ personæ desunt, quæ aut de superiori aut inferiori genere discreto ordine veniunt, tunc illæ personæ quæ sunt à latere constitutæ requirantur, ut hæreditatem accipiant defuncti, qui intestatus discesserit. *Nam illæ personæ quæ sunt à longioribus constitutæ, nihil se existiment illis prioribus posse repetere.*

De successoribus eorum qui sic moriuntur, ut nec donationem, nec ullum faciant testamentum, nec præsentibus testibus suam ordinant voluntatem, qui gradu illis proximi fuerint, eorum obtinebunt hæreditatem.

Qui fratres tantummodo & Sorores relinquit, in ejus hæreditate fratres & sorores æqualiter succedant; Si tamen unius patris & matris filii esse videantur. Nam si de alio patre vel de alia matre alii esse noscuntur, unusquisque fratris sui aut sororis, qui ex uno patre aut ex una matre sunt geniti, sequantur hæreditatem. Filii tamen qui ex diversis patribus & una matre sunt geniti ad accipiendam maternam facultatem æquali successione deveniant. Similiter quoque hii, qui de diversis matribus sed uno patre oriuntur, divisionis ordinem teneant.

Agreeing with these Laws I finde the [l] *Edict* of *Theodoricus* King of *Italy*, cap. 22. 24. *Si quis* intestatus moriuus fuerit, *is ad ejus successionem veniat qui inter agnatos atque cognatos gradu vel titulo proximus invenitur, Salvo jure liberorum ac nepotum.* Fiscus tunc agat, *quando nec parentum, nec filiorum, nec nepotum, nec agnatorum, nec cognatorum, nec uxoris & mariti,* quæ succedat extare comperitur persona, secundum beferum constituta.

l Fridericus Lindebrogus Codex Legum antiquarum, p. 247.

Since then these antient Laws not only of the Pagan, but Christian *Roman* Emperors & Kings of the *Wisigoths* and *Italians*, out of which the Confessors and our other Laws concerning Intestates Goods and Estates were derived or transcribed, did thus expresly distribute them to their Children and Kinred, or for want of such to the pub-

An. 2 E. 1.

publique Exchequer, or other persons, and not leave them to the arbitrary distributions or administrations of their *Bishops*, or other Ecclesiastical Persons or Courts; no doubt our antient Kings and Laws, (from King *Edward* the *Confessor*, even to King *Edward* the 1. after the *Conquest*) did the like, especially in the cases of Laymen. And although the aforesaid [m] *Lawes* of the *Wisigoths*, lib. 4. tit. 2. Lex 12. enacted in the case of intestate Clergy-men, Monks and Nuns; *Clerici, vel Monachi, sive Sanctimoniales, qui usque ad septimum gradum non reliquerint hæredes, & sic moriuntur, ut nihil de facultatibus suis ordinent*, Ecclesia ibi cui deserbirent, (not the Bishop or Ordinary) eorum substantiam vindicabit; Wherewith this [n] *Edict* of *Theodoricus* King of *Italy* accords; *Clericos religiosasq; personas intestatas deficientes, quotiens defuerit qui jure succedat*, locum Ecclesiæ suæ secundum leges facere debere præcipimus; yet neither of them gives the least power to Bishops or Ordinaries to distribute any of them to pious, or retain them to their own uses. By what Law of our Realm, or lawful Jurisdiction, any of our Bishops, Ordinaries, or their Officers can then either claim or exercise authority to distribute any intestate Temporal or Ecclesiastical persons goods to pious or other uses in this age, I cannot discern.

m Frider. Lindebrogus, p. 118.

n Frid Lindebrogus p. 247.

[o] *Mat. Westminster* and others story of Pope *Gregory* the 10. *Hic in creationis suæ principio* (usurping the Emperors Soveraign authority of summoning General Councils, to advance his Papal authority) mandabit literas generales per singulas Nationes de Concilio congregando Kalendas Maii sub Anno gratiæ 1272. *Unde dictum fuit de illo,* Gregorius denus, colligit omne genus.

o Flores Hist. An. 1272. p. 352.

What Archbishops, Bishops, Abbots, with other Religious persons, and Clergymen, repaired to this Council, by the Kings special license, who constituted Attornies and Proxies for them in the Kings Courts, to sue and be sued during their absence; these Records will in part inform us.

[*] *W. Eboracensis* Archiepiscopus, qui de licentia Regis profecturus est ad partes transmarinas, dedit potestatem *Nicholao de Stapleton, & Johanni de Benningwrth.* faciendi Attornatos loco ipsius Archiepiscopi, in omnibus Placitis, & Querelis, pro ipso, vel contra ipsum, motis vel movendis, in quibuscunque Curiis: Et quod ipsi *Nicholaus* & *Johannes* vel alter ipsorum, qui præsens fuerit, hujusmodi Attornatos amovere, & alios vel alium Attornatos vel Attornatum loco ipsorum substituere possint, usque ad festum Sancti *Michaelis* proximo futurum: nisi interim, &c.

* Clauſ. 2 E. 1. m. 13. dorſo. Pro Eborum. Archiepiſcopo

Gilbertus Prior de *Merton*, qui de licentia Regis profecturus est ad partes transmarinas, dedit potestatem fratribus *Johanni de Eylesbur.* & *Henrico de Templo* Con canonicis suis, faciendi Attornatos in omnibus Placitis & Querelis, pro ipso, vel contra ipsum, moris vel movendis, in quibuscunque Curiis; Et quod ipsi Attornatos illos amovere, & alios vel alium Attornatum vel Atornatos loco eorum substituere possint in præmissis, quotiens viderint expedire, usque ad festum Sancti *Johannis Baptistæ* prox. futur.

Pro Gilberto Priore.

Robertus Abbas *Coleceſtriæ* consimilem dedit potestatem *Godefrido de Meulinges, & Ricardo de Baynguard.*

Frater *Guido* Magister *Milit. Templi* in *Anglia*, consimilem dedit potestatem fratribus *Tho. de Fenne, & Willo. de Medeburn.*

Abbas de *Hyda Winton.* consimilem dedit potestatem *Roberto de Laverkstok & Johanni de Wensyngton.*

Abbas de *Sancto Albano*, consimilem dedit potestatem fratribus *Martino de Sancto Edmundo, & Ad. Polayn* Commonachis suis.

Abbas de *Waltham* consimilem dedit potestatem Fratri *Johanni de Maidenherh, & Ad. le Graunt*, ipsos etiam in loco ponens suo.

Abbas de *Bello loco Regis*, qui de licentia fidelium Regis locum suum in Anglia tenentium profecturus est ad partes transmarinas, dedit potestatem Fratribus *Willielmo de Cornubia, & Willielmo de Evesham* Monachis Domus suæ, faciendi Attornatos loco ipsius Abbatis, in omnibus Placitis, & Querelis, pro ipso, vel contra ipsum, motis vel movendis, in quibuscunque Curiis; & Attornatos illos amovendi, & alios vel alium Attornatos vel Attornatum loco ipsorum constituendi in præmissis, quotiens opus fuerit & viderit expedire, usque ad festum *Omnium Sanctorum* proximo futurum. Dat. &c. 20 die *Martii.*

Pro Abbate de Pello loco Regis.

Consimilem potestatem dedit Abbas beatæ *Mariæ Eborum* Fratri *Willielmo de Barton* Monacho Domus suæ, & *Thomæ de Langetoft.*

Abbas

Anno 2 *E.* 1. Abbas *Westm.* consimilem dedit potentiam Fratri *Henrico de London.* Monacho & fratri *Alex. de Westm.*

Consimilem potestatem dedit Magister *Walterus Scamell.* Thess. *Sarum, Simoni Malesars.*

Consimilem potestatem dedit Magister *Thomas de Cantilopo* Magistro *Gilberto de Haywode*, & *Willielmo Fankeburn.*

Consimilem potestatem tradidit Magister *Ricardus de Mepham* Decanus *Linc. Roberto de Gravesende.*

Frater *Hugo* Sancti *Bartholomæi London.* consimilem dedit potestatem fratribus *Alex. de Staundon*, & *Ade de Eyton.*

Ibid. Pro Abbate de Oseneye. Abbas de *Oseneye*, qui de licentia Regis profecturus est ad Concilium Lugdunense, dedit potestatem fratri *Alexand. de Kannto*, & *Roberto Sprete*, faciendi Attornatos loco ipsius Abbatis in omnibus Placitis, & Querelis. motis vel movendis, pro ipso, vel contra ipsum, in quibuscunque Curiis; & Attornatos illos amovendi, & loco illorum alios substituendi, quociens opus fuerit. & ipsi ad opus prædicti Abbatis viderint expedire, usque ad festum Sancti *Petri ad vincula*; nisi idem Abbas interim redierit in *Angliam.*

Pro Abbate de Seleby Abbas de *Seleby* consimilem dedit potestatem Fratri *Alexandro de Eborum* Commonacho suo.

Consimilem potestatem dederunt, Abbas *Salop*, Abbas Sancti *Petri Glouc.* Abbas de *Croyland*, Abbas de *Evesham*, Abbas de *Malmesbur.* Prior de *Staynes*, Abbas de *Abindon*, Episcopus *Coventr.* & *Lich.* Magister *Ricardus de Mepham* Decanus *Linc.* Magister *Radulfus de Fremingham*, Magister *Petrus de Abendon*, Magister Domus Scolarium, Prior de *Spaldinsi*, profecturi ex *Anglia.*

Besides these, King *Edward* the 1. himself sent 4. special Proctors to this *General Council*, to propound, assent or dissent unto in his name and behalf, what ever they or either of them should deem fit and expedient, (a clear Evidence, that he and his Proxies had an affirmative and negative voyce in General Councils) as this Patent of Procuration assures us.

* Pat. 2 E. 1. m. 20. intus. SAnctissimo in Christo Patri Domino *Gregorio*, divinâ providentiâ Sacrosanctæ *Romanæ* Ecclesiæ Summo Pontifici, suus devotus in Christo filius *Edwardus*, Dei gratiâ Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, cum omni reverentia obedientia et honore pedum oscula beatorum. Vestra noverit Reverenda Paternitas, quod Nos in isto sacro Concilio Generali per vos convocato, nobiles viros et fideles nostros, *Johannem* filium *Johannis*, *Johannem de Vallibus*, *Johannem Wyger*, et Magistrum *Radulphum de Merlawe*, Procuratores nostros conjunctim et divisim facimus, constituimus et ordinamus; Dantes eisdem, et unicuique ipsorum potestatem et speciale mandatum, proponendi in eodem Concilio nomine nostro, quæ viderint vel viderit proponenda, et impetranda quæ viderint vel viderit impetranda, necnon et contradicendi quæ viderint vel viderit contradicenda. In quorum testimonium præsentibus literis Sigillum nostrum quo utimur in *Anglia* præsentibus est appensum. Dat. *Lond.* die Martis proxima post Dominicam in Ramis Palmarum, Anno Domini M. CC. septuagesimo quarto.

a Flores Hist. Pars 2. p. 355, 356. See Platina, Onuphrius, Steila, Crespin, Volateranus, Laertius Cherubinus, Barns & Baluzius in Greg. x. Centur. Magd. 13. c. 9. col. 918. &c. Continuator Baronii, An. 1274. & Binius Concil. Tom. 3.

a *Matthew Westminster* renders us this Account of the Proceedings in this Council, and of the Greek Emperors, Patriarchs, and Bishops acknowledgement of the Supremacy of the Pope and Church of *Rome* over all other Prelates and Churches, as an Article of their Faith, Creed, which they never before assented to.

Anno Gratiæ 1274. Kalend. *Maii*, sub Papa *Gregorio* decimo, apud *Lugdunum* fuit Concilium maximum celebratum, quod à Kalend. prædictis, usque ad 16 Kalendas *Augusti* duravit. In hoc Concilio Dominus Papa *Eadwardum* commendavit omnibus, dicens, Terram Sanctam fuisse deperditam, nisi venisset citius ad eandem. In hoc Concilio Papa statuit, quod subsequentes septem annos de cunctis conbenientibus Ecclesiasticis in subsidium Terræ Sanctæ Decimæ solverentur. In hoc etiam Concilio de conversione *Græcorum*, post schisma, lætitia magna fuit. Qui *Græci* literas auro bullatas cum literis Prælatorum de *Græcia* attulerunt ad Concilium, quarum tenor sequitur.

Sanctissimo

An. 2 *E.* I.
Mat. Weſtm. P. 355.

SAnctiſſimo & beatiſſimo Patri & Summo Pontifici Apoſtolicæ ſedis univerſali Papæ, et communi Principi Chriſtianorum omnium, Venerabili Patri Imperii noſtri Domino *Gregorio*, *Michael* à Chriſto Deo fideliter Rex & Imperātor, & Moderator *Græcorum*, *Ducas*, *Angelus*, *Comnenus*, *Paleologus*, & ſpiritualis filius magnæ ſanctitatis veſtræ, decentem honorem & reverentiam, cum ſincera & pura affectione, & omni poſtulatione. Quoniam miſſi ſunt à magna Sanctitate veſtra ad Imperium meum nuncii, Deo placentes, Ordinis fratrum Minorum, Frater *Hieronimus* de *Oſculo*, Frater *Reimundus Berengarii*, Frater *Bona gratia* de Sancto *Johanne* in *Perſeceto*, & Frater *Bonaventura* de *Magello*; & detulerunt literas magnæ Sanctitatis Imperio meo. In quibus inter alia de confeſſione fidei, qua docet & prædicat, & confitetur Sacroſancta *Romana* Eccleſia, continebatur, & oportebat de his magnis reſponſionem facere decenter: Ecce hæc facit Imperium meum, habeat autem Confeſſio Fidei in litera ſic; *Credimus Sanctam Trinitatem*, *Patrem*, *& Filium*, *& Spiritum Sanctum*, *unum Deum Omnipotentem*, *totamq*; *in Trinitate Deitatem*, *ejuſdem naturæ*, *&c.* (at large related in *Matthew Weſtminſter.*) To which this new Article was ſubjoyned, concerning the Supremacy of the Pope and Church of *Rome*. Ipſa quoque Sancta *Romana* Eccleſia ſummum et plenum Primatum ſuper univerſalem Eccleſiam Catholicam obtinet, quod ſe ab ipſo Domino in beato *Petro*, Apoſtolorum Principe ſive Vertice, cujus *Romanus* Pontifex eſt ſucceſſor, cum poteſtatis plenitudine recipiſſe, veraciter et humiliter recognoſcit. Et ſicut præ cæteris tenetur fidei veritatem defendere, ſic, et ſi quæ de fide ſuborta fuerint quæſtiones ſuo debent judicio definiri. Ad hanc quilibet grabatus, ſuper negotiis ad Eccleſiaſticum forum pertinentibus, poteſt appellare, et in omnibus cauſis ad examen Eccleſiaſticum ſpectantibus, ad ipſius poteſt judicium recurri, et eidem omnes Eccleſiæ ſunt ſubjectæ. Ipſarum Prælati obedientiam et reverentiam ſibi dant. Ad hanc autem ſic poteſtatis plenitudo conſtitit, quod alias Eccleſias, et Patriarchales præcipue, diverſis privilegiis eadem Eccleſia *Romana* honorabit, ſua tamen obſervata prærogativa. Hæc quidem in Generalibus Conciliis, hæc autem in aliquibus aliis, ſemper ſalva ſubſcripta fidei veritate, prout plene lecta eſt, et fideliter expoſita, veram, ſanctam, catholicam, et orthodoxam fidem eſſe recognoſcimus, et eam acceptamus, etiam corde et ore profitemur, quia hanc veraciter tenet, docet, et prædicat Sancta *Romana* Eccleſia, inviolabiliter obſervatura eandem confeſſionem, et in ea omni tempore perſeveraturos, nec ab ea unquam ullo tempore receſſuros quoquomodo, aut debiaturos, vel, diſcrepaturos, promittimus. Quem quidem Primatum ipſius ſacroſanctæ *Romanæ* Eccleſiæ, prout in præmiſſa ſerie continetur, ad ipſius Eccleſiæ obedientiam ſpontaniam venientes, fatemur et recognoſcimus, acceptamus et ſponte ſuſcipimus: prædicta ſiquidem profitentes, et attendentes, et acceptantes, et promittentes nos ſervaturos, prout dictum eſt; Rogamus magnam Sanctitatem veſtram, ut Eccleſia noſtra *Græcorum* dicat ſanctum Symbolum, ſicut dicebat hoc ante ſchiſma uſque in hodiernum diem, ut permaneamus in ritibus noſtris, quibus utebamur ante ſchiſma; qui ſcilicet ritus non ſunt contra ſupradictam fidem, nec contra divina præcepta, nec contra doctrinam novi & veteris Teſtamenti, nec contra Concilium univerſalium illorum Patrum approbatorum, à ſanctis ſpirituali dominatione Sanctæ *Romanæ* Eccleſiæ celebratis. Hoc igitur non gravè eſt veſtræ magnæ Sanctitati, nec inaſſuetum, & nobis nunc difficile propter infinitam multitudinem populi. Commiſimus autem & præſentibus Nuntiis Imperii noſtri, ut prænotata per præſentes literas Imperii noſtri confiteantur, et attendant vice Imperii noſtri coram magna Sanctitate veſtra. Præſentes literas de noſtra recognitione, acceptatione, et confeſſione, propria manu Dei gratia Imperiali ſubſcriptione ſignabimus, et Sigillum noſtri Imperii inferius fecimus appendi.

To which Letter and Creed of this Greek Emperor, this Letter of the Greek Prelates is ſubjoyned; wherein they relate, 1. The Emperors Eccleſiaſtical Supremacy over them, in ſummoning them all together, and conferring with them to reconcile the antient differences in matters of Faith, and Supremacy, between the Greek and Roman Church. 2ly. His extraordinary diligence uſed therein till he had effected it. 3ly. His over-ruling thoſe with force and penalties who were at firſt obſtinate and refractory againſt it.

An. 2 *E.* 1.

* Mat Westm. Ibid. p. 358, 359.

SAnctissimo, Reverendissimo & Beatissimo Papæ, antiquo Romanorum Domino, *Gregorio Magno* Pontifici Excellentissimæ Apostolicæ sedis, et venerabilissimo Domino & Patri nostræ humanitatis, Nos qui Ecclesiasticam complemus ordinationem, vestræ *Romanæ* Sanctissimæ Ecclesiæ salutem, et spiritualis subjectionis affectionem ubique.. Metropolita *Ephesius*, prærhonoratus *Exarchus* totius *Asiæ*, cum ea, quæ circa me est sancta *Synodo*. Metropolita *Calcedoniæ* superhonoratus cum ea, quæ circa me est, sancta Synodo. Episcopus Metropolitanus *Concenii*, cum his, qui circa me sunt Episcopis. Metropolitanus *Naupacti* superhonoratus, cum ea quæ circa me est, sancta Synodo. Metropolitanus *Arachææ* Ponto superhonoratus, cum his qui circa me sunt Episcopis. Metropolitanus *Conconii*, cum his qui circa me sunt Episcopis. Metropolitanus *Kariæ*, cum ea, quæ circa me est sancta Synodo. Metropolitanus *Betheritæ*, superhonoratus, cum ea quæ circa me est sancta Synodo. Metropolitanus *Athenarum* & locum *Philipapolitis* supplens, cum his qui circa me sunt Episcopis. Metropolitanus superhonoratus & Exarchas *Insularum Kididadan*, cum his qui circa me sunt Episcopis. Metropolitanus *Philippensium*, cum his qui circa me sunt Episcopis. Metropolitanus *Sinnicæ*, cum his qui circa me sunt Episcopis. Metropolitanus *Serrorum*, cum ea, &c. Metropolitanus *Anastidas*, Metropolitanus *Alaniæ*, Metropolitanus *Priscæ*, Metropolitanus *Meditarum*, Metropolitanus *Anidi*, Metropolitanus *Christianapoleos*, Metropolitanus *Silibriæ*, Metropolitanus *Mesembrios*, Metropolitanus *Aprometus*, *Akincii*, Metropolitanus *Parii*, Metropolitanus *Dedimatici*, Metropolitanus *Anastasipoleos*. Archiepiscopus *Bisias*, Archiepiscopus *Bipsellorum*, Archiepiscopus *Gatelleris*, Archiepiscopus *Derkis*, Archiepiscopus *Præconis*, Archiepiscopus *Lopodii*, Archiepiscopus *Pergami*, Archiepiscopus *Melemterbi*, Archiepiscopus *Besias*. Ad hæc autem cum nobis Pontificibus, & magna Synodo, & Archidiacouus honoratissimus *Seversibilis*, cum totali venerabili Clero, cum his autem & qui Clerum complent sanctissimæ Ecclesiæ magnæ Dei, videlicet magnus Conconomus, Prothedicus, Logotheta, Contricius, Referendarius, qui super judicia, qui super secreta, qui super sacrum & dona Apostolica, qui præmiserius Patriarchalium notariorum, qui Princeps Ecclesiarum, qui super petitiones, rememoratorii, qui hostiarii, qui patriarchales notarii, qui prothopapæ, cum toto Presbyterio Archidiaconatus Ecclesiastici, cum omnibus Psalmistis & Lectoribus. *Non solum nunc, sed prius beatissimæ & sanctissimæ vestræ Ecclesiæ magnam faciebamus divisionem integritatis & Ecclesiarum Christi totaliter unitatem dilacerabamus. Quomodo qui uniu pastoris sumus, non in unum & inter unum aggregamur ovile, nec unum replemus mandatum Christi? Sed ea quæ sunt discordiæ eligimus, & bono pacis amisso, invenire non quærimus illud quod ex bono zelo nobis declarabatur?* Nullus autem erat qui conjungeret omnes in unum, & sufflaret quasi ad unum flamen singulorum concordiam: quàm autem secundum Christi desiderium a Deo coronandus sanctus noster Imperator totus ad seipsum, intellectum attendens (ut oportebat) nunc in hac parte Dei præhonorabilibus aliquibus deputavit. Prius ipse in seipso laborabat, quo utique modo non declinaret nec ad remissionem, donec scissuram Ecclesiæ ad unam interim compaginaret unitatem: deinde non deficiebat communicando nobis, (quod in boluntate habebat semper) et ostendendo qualiter habet suum propositum animæ. Ut autem ad ipsam venerabiles nuncii vestræ Sanctitatis apostolicas literas & porrexerunt & præsentarunt, quam vestra beatitudo desiderantium accelerat conjunctionem, totus erurgit promptus, & prætermittit, quod alienum esset, & quasi in secunda consideratione omnis negotia sua reputat, proponens ea quæ mandatorum vestrorum sunt, & suarum sollicitudinum & dispositionum. Convocat igitur ad seipsum nostrum uniberſum pontificale collegium, et postmodum alios, quotquot maxime spiritualitati adhærent, et circa studium ecclesiasticum exercitium habent unum, et quantus eorum quidem nocturnus et diurnus ejus labor in medio est. Qui instar, quasi totaliter perbigil, qui etiam et studiose exercuit, et quasi semper in suscepto opere fuit, donec ad unam et eandem multorum attraheret sententiam, longiore quidem & indigno sermone agitatam, si totum processum vestræ magnitudini præsentaremus. Quidam tamen nostrum statim convenerunt, & quæ pacis fuerant, amplexati sunt; quidam vero magis obstinationes apparuerunt temporis antiquitatem revolventes in mentem, et opponentes alii quasi de necessitate hoc imponeretur eis. Sed a Deo coronati Imperatoris diligentia vicit

in

in finem, et habet omnes jam concordes ad unicam hanc unionem, per quam A- *An.* 2 *E.* 1.
postolicæ Sedi antiquæ *Romæ* (ab antiquissimis attributos) Primatus attribuere assentimus. Hoc scilicet Dei gratia cooperata est, ut habeat ex nobis apostolica magnitudo nostræ sanctitatis sententiam agnoscere, qualiterque magnifico Imperatori nostro simul communicaverimus in sententia: et quæ quidem attenderit et bulit libenter, et nos acceptamus: breviter præsentem Epistolam annotamus, & ad conspicuam excellentiam vestræ magnitudinis transmittimus. Scitote quod nos volumus, quod Pontificalis sedis tota plenitudo, cum toto venerabili Clero, et omnibus Officiariis, Sacerdotibus, Diaconis, et Lectoribus, sanctissimæ Ecclesiæ Dei convenit in unum, ut attribuat prompte vestræ Sanctitati et Apostolicæ sedi, quod ad honorem pertinet, nec alium primum et summum Pontificem Ecclesiarum omnium, nominaturi. Sed antiquam internuntiorum confectionem agnovimus, quam & patres nostri semper attenderunt toto præterito tempore usque ad tempus hoc. Unde nostrum Patriarcham & subsequenter omnes alios (quotquot convenerunt) ut in unum hæreant & sedis ponerent concordiam, obsecravimus. Ipse vero cum magna instantia tenet, quod agnosci debet primus, & postea (ut indicat) non decidet a bista voluntate, nec adhuc à prima sententia, cum aliqua intentione mutatus est. Unde et pluries nos prælati correximus ipsum, ipse nequicquam ad præsens acquiebit. Nos autem et nobiscum potentissimus Imperator injunximus illi a Patriarchali sede recedenti, omnia in una forma sollicitudinis manere, quæ sunt *Constantinopoli* Monasteriorum, donec nuncii ad vestram Sanctitatem accedant, & audiant sermonem vestrum, & si magnitudo vestra ita recipiat, delegat certos delegatos cum nostris reversis Legatis. Et nos hunc finem obtinentes, communiter & interim convenientes, attrahemus Patriarcham nostrum, ut si recedere ipsum ab intentione contingat, nobisque inclinaverit, et nos reddet benevolos esse, quod præteritis temporibus throno Apostolicæ sedis insuper excellens honor attributus est: sic habebimus ipsum Pontificem etiam spiritualiter, sicut prius præsidentem. Si vero immutabiliter se habeat in sententia, tunc dependebit omnis necessitas et ipsum dejicere, et Patriarchiali principatu privare. Nos autem constituemus et promovebimus alium; qui utique consentiat nobiscumque ejusdem voluntatis esse, et reddere convenientem primatum summitati Sanctitatis vestræ. Hoc igitur proponimus (à Deo honorate Domine) nos, quos Patriarchalis *Constantinopolitanæ* sedis sublimos Pontifices cum omnibus (qui circa nos) venerabilibus Clericis per hoc scriptum nostrum vobis conjungi habes, qualiter si solum vestra magnitudo, ea quæ legationis sunt admittat, non est quod tempus teratur, & nos inclinamus promptè, et magnæ vestræ altitudini submittimus, et balde gratanter ea quæ sunt spiritualia subjectionis totius asserimus, et nihil eorum denegamus, quæ ante schisma præstabant, patres nostri, viis qui apostolicam regebant sedem, sed et statim nos attribuimus. Alia quidem significabunt nuncii, & gloriosæ vestræ Sanctitati notificabunt. Finaliter, sicut in spiritualibus potentissimus noster Imp. et nos pontificum collegium Episcopis commissimus: sicut cæteri spiritualiter ab Imperiali magnificencia mandatum acceperunt, de quibus quicunq; ad secularis principatus pertinent gubernationem vestræ sanctitati referabunt à Deo coronato nostro Imperatore. Confidimus autem quod pacis author Deus unitatem de paterna victus clementia adaperiet, nosque & Magistratus gratanter suscipiat inclinatos, & vestram familiaritatem invocantes & paternitatem. Sacramentum Græcorum ego nuncius habens ab eisdem sufficientem (ad infrascripta mandata) subscriptam fidei veritatem, prout plenè lecta est & fideliter exposita à me Dei & Domini nostri nomine veram sanctam catholicam fidem esse cognosco, eam accepto, & corde & ore confiteor, ipsamque prout tenet fideliter, docet, & prædicat S. Eccles. *Romana* inviolabiliter servaturum, & in ea omni tempore perseveraturum, nec discrepaturum, promitto. Primatum quoque ipsius sacrosanctæ Ecclesiæ *Romanæ*, prout in præmissa serie continetur (ad ipsius Ecclesiæ obedientiam spontaneus veniens) fateor, recognosco, accepto, et sponte suscipio. Et ipse omnia præmissa, tam circa fidei veritatem, quam circa ejusdem Ecclesiæ *Romanæ* Primatum, et Episcoporum recognitionem, acceptationem, susceptationem, observantiam ac perseverantiam servaturum (præsito corporaliter juramento) promitto et confirmo: sic Deus ipsum adjuvet, & hæc sancta Evangelia, *Scrivarius*, *Sacrista*, *Carthaphilax*, & magnus *Skenephilax* sanctissimæ ejus, qui in *Constantinopoli* est Patriarchatus, *Johannes* Lector. *Græci* etiam alias literas, quas propter earum prolixitatem huic operi

An. 2 E. 1. non inseruimus, ad Concilium detulerunt: Venerunt etiam post Græcos 16. Tartari (qui *Moalli*) cum literis Regis sui, in Concilio publicantes verbis pomposis poteniam *Moallorum*. Hi non pro fide, sed ut confederationem haberent cum Christianis venerunt. Hos Papa benignè suscipiens, donis & honoribus ampliavit, & ad petitionem ipsorum, non baptizatos fecit honorificè baptizari.

The Pontificians then, and ever since have much triumphed in these publick acknowledgements and submissions of this Greek Emperor, and the Patriarchs, Bishops, Clergy, Churches of *Greece*, to the Primacy of the Popes and Church of *Rome*, which they could never before inforce, or induce them to acknowledge or submit to: But if they will seriously consider, 1. The great probability that these Epistles were meer forgeries, as the barbarousnes of their stile, the names of the Patriarch, Bishops Sees, and other Historians pretermission of them, import. 2ly. That the submission of the Emperor and *Grecians* therein made, was not voluntary; But 1. By urgent necessities extorted from the Emperor himself. 2ly. That he used great violence to enforce his Bishops and Clergy to submit unto it. 3ly. That the Patriarch of *Constantinople*, and other Greek Prelates, Clergymen, Nobles, Magistrates, and the People stoutly opposed it, and that it produced great Schisms in that Church and Empire. 4ly. That the Emperor was forced to make sundry Apologies to them thereupon, that it was done only out of necessity, and policy, to avoyd present dangers threatning both that Church, Empire, and *Constantinople* it self, without any prejudice to the Greek Church for the future; not upon any real grounds of conscience, piety, or verity: upon all these considerations, this submission will be no advantage at all to the *Pontifician* Cause or Primacy; the verity whereof this passage of * *Nicephorus Gregoras*, a famous Greek Historian flourishing in that age, most clearly discovers. *Proinde tot difficultatibus* circumventus Imperator Palæologus, pene ad desperationem compulsus, Legatos ad Papam mittit, de incunda veteris et novæ Romæ Ecclesiarum concordia, modo * Caroli expeditionem averteret. *Ea Legatio à Pontifice benignè audita est:* ea se facile, quæ Imperator petivisset, consecturum esse *pollicito. *Statimque suos Legatos illis adjungit, qui concordiam conciliarent atque amplectarentur. Cujus hæc tria capita fuerunt. Primum*, ut in sacrorum velaminum hymnodiis, Papæ cum quatuor Patriarchis mentio fieret. *Alterum*, ut liceret cuivis *Romam* veterem, quæ Curia major & perfectior esset, appellare. *Tertium*, ut illi Principatus in omnibus deferetur. *De appendice vero sacri Symboli, quam illi novarunt, aut alio quovis argumento, tum nulla acrior contentio incidit: sed (quod ad eas quidem res attinebat) pacata & tranquilla fuerunt omnia.* At Patriarcha Josephus, ea concordia repudiata, sede sua cessit: *nec multò post, relicta urbe, se in Archistrategi Monasterium ad* Bosphorum *contulit, ubi reliquum ætatis tranquillo & religioso otio exigeret.* His rebus Sacerdotum collegium concitatum, haud obscure ferebat, se non esse quieturum: plebemque ab Imperatoria illa concordia revocabat, Martyrii et Coronarum tempus esse clamitans; ita ut magnus inde tumultus excitaretur, atque in atrocem tempestatem erumperet: *& Imperator externis negotiis relictis, omne suum studium ad res domesticas transferre cogeretur, urbana pericula externis graviora ratus.* Erant enim non pauci e Magistratibus etiam, qui decretis illius acriter adversarentur. *In eas igitur redactus angustias, duas sibi patere vias arbitratus, summa necessitate nihil tertium admittente in præsentia:* ut aut omnes sibi assentirentur, aut hostium loco haberentur, *Quamobrem adversariorum animos*, principio verborum blanditiis, et comitate morum conciliare sibi, et obnoxios reddere studebat: cæptam eam esse rem, nullo studio nobilitatis, sed propter difficultates temporum. Esse autem prudentiæ, impendentes præcavere calamitates: et si quid ad grabiora mala avertenda nobandum sit, non esse cunctandum. *Si enim hostes adventarent, urbe adhuc multis in partibus lacerata, modoque instaurata, & velut à multiplici dudum morte revivescente, præsentia mala graviora futura superioribus; ac dominos fore hostes, non tantum sacrorum, sed omnium simul, librum, conjugum, & rerum: quorum domini vi abrepti, libertate cum servitute commutata*, non corporibus tantum, sed animis etiam hostium sequi voluntates cogerentur. *Id etiam reliquum fore*, ne quis mores patrios ac vetera instituta tueretur; immo ut sacræ leges et sanctiones expeditissime et depravarentur et everterentur. *Quæ cum ipse prævideret*, necessitati parere haud recusasset: exiguumq; damnum, quod prudentiæ munus sit, magno emolumento posthabuisset: minorque

* Histor. Romanæ, l. 5. Francofurti, 1567. f. 16.
* Who raised great forces to dethrone him.
*pollicitus.

minoraque adversariis, ut majoribus potiretur, concessisset. *Hac oratione alios commovit* Imperator, alios non item. *Unde suasione omissa*, viam alteram ingressus, et bi grassatus est: cujus variæ rationes fuerunt, publicationes bonorum, relegationes, custodiæ, execrationes, flagra, mutilationes, omnia denique quibus virorum fortium et mollium animi explorantur. *Ac quorum studium cognitione regebatur*, (qui pauci erant) ii magnis et fortibus animis omnia libenter tolerabant et perpetiebantur, quæ potestas Imperatoris inferebat. Maxima vero pars veri judicii expers, sæx plebis, et circumforanea turba, semper nobis rebus gaudens, asperis velut in scena palliis induti, ubique terrarum sparsim et passim vagati sunt, ubi Christianos esse audiverunt: in *Peloponeso* (inquam) *Achaia*, et *Thessalia*, et *Colchide*, ubique denique gentium extra ditionem Imperatoris: neque universalem pacem conservare volentes, neque inter sese: *sed alii aliis nominibus ascitis, partim* Arsenii *aut* Josephi *Patriarchæ sectam profitendo, partim alia jactitando, tempus terebant*; plerique et decipientes et decepti. *Nec enim deerant, qui oracula in vicis & urbibus, quasi modo à Dei conspectu reversi, cantarent: nec post Ecclesiæ instaurationem, vitæ ratione mutatæ.* This was the sad issue of this Emperors compliance with the Pope and Church of *Rome*, soon after generally disavowed by the Greek Church and Prelates. An. 2 E. 1.

[a] *Thomas* of *Walsingham*, [b] *Ranulphus Cestrensis*, [c] *Henry de Knyghton*, and others, give us this brief account how many Bishops, Abbots, Prelates, were present at, and what was decreed in this General Council. Hoc anno *Gregorius* Papa decimus, Kalendas *Maii*, apud *Lugdunum* Generale Concilium celebravit, ad quod *Græci* & *Tartari*, solennes nuncios transmiserunt; *Græci* ad unitatem Ecclesiæ se redire spondent, in cujus evidens signum cum cantaretur Symbolum, hortante Domino Papa, trina vice nuncii eorum, & in Spiritum Dominum vivificantem, qui ex Patre Filioque procedit, replicaverunt celebriter & devotè; without making any mention at all of their premised Epistles and acknowledgement of, or submission to the Popes or Church of *Romes* Supremacy. Nuncii vero *Tartarorum* baptizati, & infra tempus Concilii ad propria redierunt. Affuit ibi Prælatorum numerus, quingenti Episcopi, Abbates sexaginta, Prælati vero alii circa mille; unde dixit quidam,

Gregorius Denus congregat omne genus:

Ibi statutum est illud insigne, & a retroseculis insolitum; quod omnes Rectores Curati deinceps forent Sacerdotes: Prohibiti sunt et Bigami primam tonsuram deferre; et quod nulli hominum deinceps liceat Decimas suas ad libitum, ut antea, ubi vellet assignare; sed matrici Ecclesiæ omnes Decimas persolvent: Ipse quoque *Gregorius* Decimam sexennalem universali Ecclesiæ imposuit; pluralitatem beneficiorum Curatorum damnavit. Aliquos status de ordinibus *Mendicantium* approbavit, utpote *Prædicatores*, et *Minores*, aliquos toleravit, utpote *Carmelitas* et *Augustinenses*. Aliquos reprobavit, ut *Saccinos*, qui intitulantur de *Pœnitentia*, sive *Valle viride*, et consimiles. What else was there decreed, you may read at large in [d] *Binius* his Councils, and *Centur. Magdeburgenses*, Tom. 13. c. 9.

[c] *William Thorne* records of *Nicholas* Abbot of St. *Augustines Canterbury*, Anno Dom. 1274. Adivit idem Abbas Generale Concilium *Lugduni* in expensis CC. librarum, and [f] *Henry de Knyghton* stories: That in this Council, Papa petiit auxilium ab Ecclesia ire in terram sanctam, Archiepiscopus Cantuariensis Robertus de Kylwarbi non audebat negare petitionem Papæ, eo quod ipsum promoverat. Inter alios, qui nolebant concedere, Magister Richardus de Peccham, Decanus Lincolniensis proposuit unam billam circulatoriam, quod terra Angliæ in tantum fuit depauperata per diversas Guerras, et Decimas, et Subsidia, per Papas concessa per sex annos, quod non possent levare aliquod Subsidium, et vix vivere. Statimque Papa privavit eum ab omni beneficio, (such was his tyrannical Papal injustice) et habuit Decimam de sex annis ab Ecclesia; et tertia die restituit eum ad beneficia sua. Papa fecit ibi multas Constitutiones, quæ vocantur Grægorianæ; & moriebatur eodem anno ultra montes.

[e] *Johannes Aventinus* renders this account of this Council, and the Popes proceedings therein. Circa eundem temporis tractum *Gregorius* decimus sacricolarum Concilium *Paschalibus Lugduni* habet, undecunque Pontifices accessivit, ex *Alemannia*, *Gallia*, *Angliæ* quaternos, *Hispania* duos, ex *Sicilia* regno Ecclesiæ, *Ungaria*, *Dacia*, *Boiemia*, *Polonia*, *Suionibus*, *Nordovicis*, & *Scotis* singulos; vocatoque concione,

a Hist. Angl. An. 1275 p. 4.
b Polychron. l. 7. c. 37.
c De Eventib. Angl. l. 2. c. 16. col. 1438.
d Tom. 3.
e Chronica, c. 26. col. 1921.
f De Eventib. Angliæ, l. 3. c. 1. col. 2461.
g Annal. Boiorum, l. 7. p. 568. See Cent. Magd Tom. 13. col. 918.

An. 2 E. 1. cione, ex libris sacræ historiæ, quos *Macchabæorum* nominant, præfatus, curem studiumq; belli, utriusque Reipublicæ administrationem ad Episcopos et Antistites attinere, multis verbis persuadet; collegis Palestinam expeditionem, et ad * Græcos subigendos Romano Sacerdoti arma inuenda censet: Deinde leges, quibus vitia Sacerdotum, Monachorum Antistitumque castigentur, corrigantur, rogat: *Zopfreonnas* genus fœminarum sacratarum aboleri. Tum omnium rerum Ecclesiasticarum decimas in ter annos Monachis, mystis, majoribus, minoribus Pontificibus imponit, partem octavo Kalendas *Julii*, alteram portionem octava Kalendas *Januarii* numerare jubet. Postremo hæc Decreta scisit, promulgat, piacularii, atque sacro auriculario præfecti darent operam, orent, instent, suadere non desistant, ut rei sanctiss'mo proposito Pontificis maximi, ære, pecunia, opibus faveant: Quisque Christianus, puer, vir, infans, puella, fœmina, Sacerdos, profanus capite census sit, quotannis nummum tribuat. Devotus est, quisquis iis pensionibus adversus iverit. Pleraque alia tum, ut alias, magis argutorum hominum more, quam ex æquo & bono commenta sunt. Romulei vultures, quibus defraudari, atque compilari populus solet, et quæ neutiquam Deo immortali cordi fuisse exitus probavit, eventus docuit, plerique ad concilium coacti ire, eo luxu habitum est. Impendiis non sufficere Aurum, Argentum, Gemmæ, Vestes pretiosæ artis, opes Templorum venundatæ, pauperibus, qui solvendo non erant, diræ dictæ. *Cistercienses* Monachi, quibus Pontifex *Romanus* amicus erat, hasce suarum ædium decimationes redimere millibus unciarum argenti puri sexcentis atque quadraginta. *Furstenfeldenses* duo pondo argenti *Teutonica* pensitarunt, sunt unciæ duæ & triginta. A cæteris omnibus Decimæ superbe atq; avare exactæ; et licet Decimas eodem anno animam efflasset, nihilo secius tamen *Romani* Flamines decimas per ter annos extorta per vim pecunia a Germanis emungerent: rumore dissipabant, se suo periculo, atque stipendio Palestinam, Ægyptum, Asiam, Africam erepturos Turcis, Saracenis, Tartaris; (but performed neither.) Quamobrem & *Rudolphus* illa lege atque omine primario Sacerdoti *Bononiam*, Præfecturas, Ducatus, Urbes, Regiones *Italiæ* hactenus Imperatoribus parentes (*Romaniolam Martinus* vocat) quæ quotannis millia drachmarum Auri septingenties pensitarent, concessit.

* Therefore they did not submit unto him, as Matth. Westm. stories.

In this Council there was this Antimonarchical Decree, or Constitution made, to advance the Popes and Prelates illegal Sentences, Interdicts and Excommunications, denounced against *Kings*, *Princes*, *Nobles*, *Judges*, and *Kings Officers*, for executing their legal Writs against them, and the denouncers of them.

h Cent. Magd. 13 cap 9. col. 937, 938.

h *Præsenti generali declaramus Edicto, beneficium relaxationis ad cautelam*, quo ad interdicti sententias, in Civitates, Castra, vel quælibet alia loca sive terras aliquas generaliter promulgatas, locum aliquatenus non habere. Quicunque propter quod in Reges, Principes, Barones, Nobiles, Ballivos, vel quoscunque ministros eorum, aut quoscunque alios Excommunicationis, Suspensionis, seu Interdicti sententia fuerit promulgata, licentiam alicui dederint occidendi, capiendi, seu alias in personis aut bonis suis vel suorum gravandi, eos qui tales sententias protulerunt, sive quorum sint occasione perlatæ, vel easdem sententias observantes, seu taliter excommunicatis communicare volentes (nisi licentiam ipsam re integrâ revocaverint: vel si ad bonorum captionem occasione ipsius licentiæ sit processum, nisi bona ipsa fuerint infra octo dierum spacium restituta, aut satisfactio pro ipsis impensa) eo ipso sententiam excommunicationis incurrant. Eadem quoque sententia sint innodati omnes, qui ausi fuerint prædicta licentia data uti, vel aliquid præmissorum, ad quæ committenda dari licentiam prohibuimus, alias committere suo motu. Qui autem in eadem sententia permanserint duorum mensium spacio, extunc ab eo non possint, nisi per sedem Apostolicam absolutionis beneficium obtinere. But this Constitution was never received, but protested against by our King *Edward* the 1. his Successors, Judges, and Courts of Justice, as succeeding Records attest.

i 2 Instit. p. 271.
k Cent. Magd. 13. cap 9 col 930.

In this *Council of Lions* under Pope *Gregory* the 10th, (not *Boniface* the 8. as Sir *Edward Cooke* very grosly mistakes, being not Pope till 28 E. 1.) this resolution of an antient doubt concerning the allowance of Clergy to Bigamists, was declared by this Constitution. k *Altercationis antiquæ dubium præsentis declarationis oraculo decidentes*, Bigamos omni privilegio Clericali declaramus esse nudatos, et

et coer: tioni fori secularis addictos, consuetudine contraria non obstante. *Ipsis quoque sub anathemate prohibemus deferre tonsuram, vel habitum Clericalem.* An. 2 E. 1.

There arising a doubt between some *Bishops* and the *Kings Judges* concerning this Constitution, soon after its making & promulgation, An. 4 E. 1. *Whether it extended to such as were Bigamists before, or only to such as were Bigamists after its promulgation?* The King, not in a Great Parliamentary Council, wherein all the Bishops, Abbots, Nobles, and Commons of *England* were assembled, (as Sir[1] *Edward Cooke* very gravely misinforms the World, in his Commentary upon the Statute of 4 *E.* 1. *De Bigamis*, cap. 5.) but, In præsentia venerabilium Patrum quorundam Episcoporum Angliæ, (most likely those who were at this Council) *& aliorum de Consilio Regis*, tam Justiciarii quam alii, propounded this doubt; who after debate thus expounded this Constitution, and decreed that it should be put in Writing for a perpetual memory, and firmly observed. **De Bigamis* quos D. Papa in Concilio *Lugdunensi* omni privilegio Clericali privavit, per Constitutionem hanc edictam, *& unde quidam Prælati illos qui effecti fuerant* Bigami *ante prædictam Constitutionem, quando de felonia rectati fuerunt, tanquam Clericos exigerunt sibi liberandos:* Concordatum est et declaratum coram Rege et Concilio suo, (against the Bishops exposition of it) quod Constitutio illa intelligenda sit, quod sive effecti fuerint Bigami ante præfatam Constitutionem, sive post, de cætero non liberentur Prælatis, immo fiat eis Justitia sicut de Laicis.

1 2 Instit. p. 267.

* De Bigamis, cap. 5.

By which it is apparent; First, that the Constitutions of Popes in this and other General Councils, did not oblige the King, Kingdom, Church or Subjects of *England*, unlesse they were publikely received, approved, and ordered to be observed by the King and his Council after their publication. 2ly. That the King, his Council, and Judges, not the Pope or Bishops alone, were the proper Expositors of the Decrees and Constitutions of General Councils, and in what sense they should be observed. 3ly. That the Constitutions of Popes in General Councils, to which the Kings Proctors dissented, though over-ruled therein, did not oblige the King or his Subjects within his own Dominions, though other Kingdomes or Churches embraced and submitted to them, as in this, and the premised Constitution in this Council, concerning Interdicts and Excommunications.

The Executors of *John Maunsel*, Treasurer of *Yorke*, having by his last Will assigned to the Vicars of St. *Peters* in *Yorke* a Messuage of his in *Yorke*, to maintain an *Anniversary* for his soul, of which they were afterwards dispossessed by others, The King upon Complaint thereof, as Supream Ordinary, issued this Writ of Inquisition, to examine the truth thereof, and restore the said Messuage to the Vicars, to maintain the Anniversary, for the *salvation* of *John Maunsel* his soul.

Pat. 2 E. 1. m. 16 dorso. De Inquisitione facienda.

REX *dilectis & fidelibus suis* Elye de Bek, & Johi le Espicer *Majori* Eborum *salutem. Ostensum est Nobis ex parte* Richardi Custodis Vicariorum Ecclesiæ beati Petri Eborum et eorundem Vicariorum, *quod cum* Johannes de Oks, & Johannes de Hesil, *ac alii* Executores Testamenti Johannis Maunsell *quondam Thesaurarii* Eborum, *assignassent eis unum Messuagium, cum pertinentiis in* Eboraco, *quod fuit ipsius* Johannis, ad Anniversarium ejusdem Johannis celebrandum, *& dicti Vicarii in pacifica seisina Messuagii prædicti juxta assignationem prædictam extitissent, quidam* Johannes de Aucer, & Jacobus de Cimiterio, *venerunt ad Messuagium prædictum*, et prædictos Vicarios ibidem a seisina ejusdem Messuagii ejecerunt, et illud eis detinent. Ita quod Anniversarium illud facere non possunt juxta assignationem prædictam, in periculum animæ ipsius defuncti, et prædictorum Custodis et Vicariorum dampnum non modicum et grabamen. *Nos igitur pro eo quod prædictus* Johannes Maunsell *Domino* H. *quondam Regi patri nostro & nobis in vita sua diutina & laudabilia præstitit obsequia,* saluti animæ suæ prospicere, et assignationes Executorum prædictorum rite factas manutenere volentes. Assignavimus [*V.*] ad inquirendum per Sacramentum proborum et legalium hominum de Civitate prædicta, per quos res veritas melius sciri poterit, veritatem præmissorum, et ad exhibendam partibus plenam justitiam in præmissis. *Et ideo vobis mandamus, quod ad certum diem quem ad hoc provideritis usque* Eborum *accedatis*, et Inquisitionem illam diligenter faciatis, et partibus plenam justitiam exhibeatis in præmissis, sicut præfictum est: *Mandavimus enim Ballivis nostris* Eborum *quod ad certum diem quem eis scire facietis, venire faciant coram vobis tot & tales probos & legales homines*

de

An. 2 E. 1. *de Civitate prædicta*, per quos rei veritas in præmissis melius sciri poterit et inquiri. *In cujus, &c. Dat. per manum, &c. apud* Westm. 13 *die* Maii.

I shall conclude this Year with this memorable Patent or Writ of the King, as *Supream Ordinary and Governour of all Ecclesiastical persons within his Realm*, for the apprehending of certain Vagrant Canons of *Lantony*, who despised the regular discipline of their Order, and deserted their House without their Priors license, to the scandal of the Church, and to deliver them over to their Prior to be duly corrected.

Pat. 2 E. 1. m. 18. De Canonicis vagantibus arrestandis.

REX *omnibus Ballivis, &c. salutem. Cum* Nich. de Fekenham, Leonardus de Lantonay, & Johannes de Ros *Canonici* de Lantonay *prima*, sine licentia sui Prioris, et spreta regulari disciplina Domum suam nequiter exierunt, et tanquam profugi et vagabundi de loco ad locum discurrant, in scandalum Ecclesiæ; *per quod sententia excommunicationis meruerunt innodari, sicut per literas venerabilis Patris* J. Hereford. *Episcopi accepimus.* Nos insolentiam prædictorum Canonicorum sic vagantium quantum in nobis est reprimi volentes, *ad requisitionem dicti Episcopi, necnon & Prioris Prioratus prædicti*, Vobis mandamus, quod cum prædicti Canonici per vos transitum fecerint, ipsos arrestari, et eidem Priori liberari faciatis, secundum exigentiam sui Ordinis castigandos. *In cujus, &c. Dat. apud* Westm. 3. *die* Maii.

Anno 3 E. 1. The very next Year the King by his Soveraign Ecclesiastical Authority issued the like Commissions or Writs for the apprehending of some vagrant and apostat Freers of the Order of St. *Augustine*, who had deserted their Houses and Order, to the prejudice of their souls, and scandal of their Order.

Pat. 3 E. 1. m. 18. De Fratribus vagabundis.

REX *Vicecomitibus & omnibus aliis Ballivis & fidelibus suis, &c. salutem. Quia pro certo intelleximus*, quod aliqui de fratribus Ordinis Sancti Augustini spreta professione sua, ordinem prædictum egressi vagantur per plures Com'. Regni nostri, in dispendium animarum suarum, et prædicti Ordinis scandalum manifestum. Et volumus quod ad ipsorum fratrum sic vagantium insolentiam reprimendam, *fratribus prædicti Ordinis literas Capituli sui super hoc habentibus subvenire.* Vobis præcipimus, quod fratres ejusdem Ordinis sic vagantes ubicunq; inventi fuerint in Ballivis vestris sine dilatione arrestari, et fratribus dicti Ordinis liberari faciatis; secundum Regulam prædicti Ordinis, prout justum fuerit, castigandos. *Talem diligentiam ad hoc apponentes, quod eam meritò commendare debeamus. In cujus, &c. per annum duraturas. Teste Rege apud* Westm. 20. *die* Junii.

Consimile de fratribus vagabundis ejusdem Ordinis supradicti, Pat. 3 E. 1. m. 36. *Teste Rege apud* Clyve 30 *die* Novemb.

King *Edward* the 1. Anno 1274. the third year of his reign; [a] *Pacificatis quodammodo in* Vasconia *resistentibus inimicis, post Concilium* Lugdunense *consummatum ad* Angliam *properavit. Expectabat enim Regni sui Prælatos qui in Concilio fuerant, quia in ipsorum absentia non poterat coronari. Ritè cunctis peractis in partibus transmarinis, mare transiens* 8. *Kal.* Augusti *Anno Domini supradicto*, Angliam *est ingressus; Ubi à Clero & populo cum gaudio receptus est, & maximo cum honore.* Soon after, 14 Kal. Septembris *in Ecclesia* Westmonasterienſi Eadwardus *in Regem, &* Ælionora, *soror Regis* Hispaniæ *in Reginam, à* Roberto *Archiepiscopo* Cantuarienſi *pariter coronantur. Huic Coronationi interrerant* Alexander *Rex* Scotiæ, & Johan. *Comes* Britanniæ, *cum suis uxoribus, sororibus Regis* Edwardi, *cum Prælatorum, Comitum, & Baronum, aliorumque Nobilium multitudine copiosa. Rex in Crastino Coronationis suæ recepto à Rege* Scotorum *homagio, ipsum dimisit ad propria plurimum honoratum.* The pomp and solemnities of his Coronation, you may read in [b] *Henry de Knyghton*, and others. Deinde fecit Rex diligentiam emendare et reformare errata Regni, ad laudem Dei, et honorem Ecclesiæ ejus, et gravamina communis populi sui emendare pro posse suo secundum rationem, & *fecit Statutum apud* Lundoniam, *quod vocatur Statutum* Westmonasterii; to wit, the Statute of *Westminster* the 1. of which [c] *Matthew Westminster* renders us this account. *Rex ad Parliamentum*

a Mat. Westm. An. 1273. p. 363. Tho. Walsingham Hist. Angl. p. 5. & Ypodig. Neustriæ, p. 64. Polychr. l. 7. c. 38. Henry de Knyghton de Event. Angl. l. 3. c. 1. Polydor Virgil, Fabian, Holinshed, Grafton, Speed, and others, in Edw. the 1. his life.

b H. de Knyghton de Event. Angl. l. 3. c. 1. col. 2461.

c An. 1275. p. 363.

mentum Weſtmonaſterii *omnes Nobiles regni ſui juſſerat congregari. In quo* Statuta multa ad utilitatem Regni fuerunt publicata, *inter quæ* Judæis fuit interdicta effrænata licentia uſurandis. Et, ut poſſent a Chriſtianis diſcerni, præcepit Rex, quod ad inſtar tabularum, ad unius palmæ longitudinem, ſigna ferrent in exterioribus indumentis. *Anno* 3 E. 1.

In this Parliament (not in 18 E. 1. as [a] Sir *Edward Cooke* very confidently affirms) againſt this Hiſtorians Teſtimony, the expreſſe Records of *Clauſ.* 4 *E.* 1. *m.* 8, 11. and other Authorities, this Statutum de Judaiſmo, againſt the Jews uſury was made for the honour of God, and avoiding of many ſins ariſing from it, by the piety of the King. *Pur ceo qe le Roy ad vieu qe multz des males & diſherisons des probes hommes de ſa terre ſont avenus par les* Uſuries qe les Jewes ont fait en arere, et que multz des peches ent ount ſurs de ceo, *meſque luy & ſes aunc' eyent grand pren de la Jewrie tout en ceo en arerement*, pur quant en le honour de Dieu, et pur le common pren del poeple ordeine le Roy eſt eſtablie, oue null' Jew deſormes ne prist riena Uſury ſur les terres, rents, ne ſur autres choſes, et qe null' Uſury ne curge de Seint Edward prochein̄ment paſſe en avant, mes qe les Covenantz avant faitz ſoient tenus ſabe, qe les Uſurers mes ceſſent.

a His 2 Inſtit. p. 506, 507. b See the firſt Part of my Chriſtian Demurer againſt the Jewes Remitter, p. 31, to 42. and Part 2. p 66. to 70.

Beſides this particular Law, there were many excellent uſefull Statutes made in this firſt Parliament of his, as the Laws themſelves well known to all Common Lawyers, and Sir *Edward Cookes* Commentary on them in his ſecond *Inſtitutes* ſufficiently evidence: I ſhall only preſent you with the Prologue, and ſome few of his Lawes relating to the *Priviledges* and *Juriſdiction* of the Clergy, controlling ſome *Canons* of the Pope formerly uſed, to the obſtruction of publike juſtice, proper to my Hiſtory.

* Page 156, to 266.

Theſe be the Acts of Kyng *Edward*, ſonne to Kyng *Henry*, made at *Weſtminſter* at his firſt Parliament generall after his Coronation, on the Munday of *Eaſter Day* the 3. year of his Reign, by his counſel, and by the aſſent of Archebyſhops, Byſhops, Abbots, Priours, Erles, Barons, and all the Comminalty of the Realme, being thither ſummoned; becauſe our Soberayne Lord the King had great zeal and deſire to redreſs the State of the Realm in ſuch things as required amendment, for the common profit of holy Church, and of the Realm. And becauſe the ſtate of holy Church had been evill kept, and the Prelates and Religious Perſons of the Land greeved many wayes, and the people otherwiſe intreated then they ought to be, and the peace leſſe kept, and the Lawes leſſe uſed, and the offendours leſſe puniſhed, then they ought to be, by reaſon whereof the people of the Land leſſe feared to offend; the Kyng hath ordained and eſtabliſhed theſe Acts under-written, which he intendeth to be neceſſary and profitable to the whole Realm. From which Prologue I ſhall obſerve; 1. That this King eſteemed it a principal part of his Kingly office, to promote the common welfare of, and redreſſe and reform the grievances in and of the Church, as well as in and of the State and Realm of *England*; and that by adviſe of his Lords and Commons, as well as of his Biſhops, Prelates and Clergy, in his high Court of Parliament, not in a Convocation. 2ly. That when Prelates, Clergymen, and their Officers grieve and intreat the Subjects otherwiſe then they ought, they may without ſcandal be complained of in Parliaments, as well as Temporal Officers, who grieve, or evil intreat them or the Kings Lay-Subjects. 3ly. That it is an antient proper Right of our Kings and Parliaments to take diligent notice of, and make Lawes to reform all abuſes and oppreſsions, as well of and in the Church as Civil State, and that in the firſt place.

c Weſt. 1. An. 3 E. 1. The Preface. See Cooks 2 Inſtit. p. 156, 157.

Chap. 1. Firſt the Kyng willeth and commandeth, that the peace of holye Churche and of the Land be well kept, and maintained in all points. And that common right be done to all, as well poore as ryche, without reſpect of perſons. And becauſe that Abbots, and the Religious of the Land habe been overcharged and ſore grebed by the reſort of great men and other, ſo that their Goods habe not been ſufficient for themſelbes, whereby they habe been greatly hindered and impoveriſhed, that they cannot maintain themſelbes, nor ſuch Charity, as they habe been accuſtomed to doe. It is provided, that none ſhall come to eat or lodge in any houſe of Religion of any others foundation then of his own, at the coſts of the houſe; unleſſe he be required by the Governour of the houſe before his comming thither: And that none of his own coſts, ſhal entre and come to lye there againſt the will of them

Anno 3 *E.*1. that be of the house. And by this Statute the King entendeth not, that the grace of hospitality should be withdrawen from such as need, nor that the Founders of such Monasteries should overcharge or greve them by their often comynge. It is provided also, that none high nor low, by colour of kindred, affinity, or allyance, or by any other occasion, shall course in any Parke, nor Fysh in any Pond, nor come to eat, or lodge in the house or Mannour of a Prelate, or any other Religious person, against the will of the Lord or his Bailiffe, neither at the cost of the Lord nor at his own. And if he come in, or enter with the good will or against the will of the Lord or his Bailiffe, he shall cause no doore, locke, nor wyndowe, nor nothing that is shutte, to be opened or broken by himself or any other, nor no maner of vitaile not other thinge shall take by colour of buyinge or otherwise. And that none shall thresh corne nor take corne, nor any manner of vyttaile, nor other goodes of Prelate, man of Religion, or any other Clerk, or Lay person, by colour of buying, nor otherwise, against the will and license of him, to whom the thing belongeth, or of the Keeper, be it within Market Town, or without. And that none shall take Horses, Oxen, Ploughs, Carts, Ships, nor Barges, to make carriage, without the assent of him to whom such things belong. And if he do it by the assent of the party, then incontinent he shall pay according to the covenant made between them. And they that offend against these Acts, and thereof be attainted, shall be committed to the Kynges prison, and after shall make Fyne, and be punished according to the quantity and manner of the trespasse; and after as the King in his Court shall think convenient. And it is to be known, that if they to whom such trespasse was done, will sue for dammages, they shall be thereto received, and shall be awarded and restored to the double. And they that have done the trespasse, shall be likewise punished in the manner abovesaid. And if none will sue, the Kinge shall have the suite, as for a thing committed against his commandement, and against his peace. And the Kynge shall make enquiry, from yere to year, what persons do such trespasses after as he shall think necessary and convenient. And that they that be indicted by such enquests shall be attached and constrained by that great distresse to come at a certain day containing the space of a moneth, in the Kynges Court, or where it shall please the Kynge. And if they come not at that day, they shall be distreined again of new by the same distresse, for to come at another day, conteining the space of six weeks at the least, and if they come not then, they shall be judged as atteinted, and shall yéld double damages (at the Kings suit) to such as have taken hurt or damage, and shall make a grevous fyne after the maner of the trespass; And the Kynge forbiddeth and commandeth, that none from henceforth do hurt, damage, or grevance to any Religious man, or person of the Church, or any other, because they have denyed meat or lodging unto them, or because that any complaineth in the Kyngs Court, that he hath bèen greved in any of the things abovementioned. And if any do and thereof be atteinted, he shall incurre the pein aforesaid. And it is further provided, that the points aforesaid shall as well binde our Counsellours, Justicers of Forests, and other our Justicers, as any other persons, and that the foresaid points be maintained, observed and kepte. Likewise the King forbiddeth upon grevous forfeitures, that no Prelate, Abbot, man of Religion, or Bayliffe of any of them, or of other, receive any man contrary to the form aforesaid. And that none shall send to the house or Manour of a man of Religion, or of any other person, his men, horse, or doggs to sojourne, nor none shall them receive, and he that doth (seeing the King hath commanded the contrary) shall be grevously punished. Yet it is further provided, that Shyriffes from henceforth shall not lodge with any person, with any mo then 5. or 6 horses; And that they shall not greve Religious men nor other by often comyng or lodging, neither at their houses nor their Manours. This Act was principally made for the benefit of Prelates and Religious persons, to redresse the grievances and abuses therein specified.

Chap. 2. It is also provided, that when a Clerk is taken for gilt of felony, and is demanded by the Ordinary, he shall be delibered to him according to the privilege of holy Church, on such peril as belongeth to it, after the Custome aforetimes used. And the King admonished the Prelates, and enjoyned them upon the faith that they owe to him, and for the common profit and peace of the Realm, that they should be

be endited of such offences by solemn enquest of lawful men in the Kings Court, in no maner shall be delibered without due purgation, so that the King shall not need to provide any further remedy therein. *An.* 3 E. 1.

This Priviledge of Ordinaries demanding Clerks imprisoned for felony, and delivering them to them, was contrary to the antient Lawes and Custom of the Realm, introduced after *Beckets* death, by the Kings special grace and condescention: The abuse whereof by Prelates and Ordinaries, was restrained by this Act in 3: particulars. *1. In demanding those for Clerks who really were not in sacred Orders. 2ly. In delivering them without making any Inquisition of the felony or crime for which they were committed; so as they escap'd unpunished, or unattainted, & the King lost the forfeiture of their lands or goods. 3ly. By their delivering them out of their Prisons without any legal purgatiõ after they were found guilty by Inquisition before the Kings Judges. And if they did any thing against the Kings ordination and Injunction, he threatens punishment and further remedy of these their exorbitances, to the publike prejudice and disturbance of the Realm.

* See Cooks 2 Instit p. 164. Bracton, l. 3. ch. 23. Brit. l. 4. f. 11.

Chap. 5. And because elections (of Bishops and others) ought to be free, the King commandeth upon great forfeiture, that no great person nor other, by force of arms, or menacing, shall disturb any to make free election.

Chap. 21. *That the Guardians of Archbishopricks, Bishopricks, Abbots, Churches, and all Spiritual Dignities, in time of Vacation,* shall keep and sustain the Lands without waste and destruction.

This was intended only of what was waste and destruction by the Common Law and Statutes, against waste. But the King and his Guardians of them did, and might by Law take Deer out of their Parks, Conies out of their Warrens, Fish out of their Ponds, and sell their Cops woods for the Kings provision and benefit, as far forth as the Bishops themselves might do; as I finde by the *Liberate Roll* of 3 E. 1. m. 9. that very year, and sundry other Records of such Guardians accounts and allowances, in the *Fine* and *Liberate Rolls*.

Chap. 28. And that none of the Kings Clerks, nor of any Justicer, from henceforth shall receive the presentment of any Church, for the which any plea or debate is in the Kings Court, without special license of the King; and that the King forbiddeth upon peine to lese the Church and his service.

This punished the frauds and abuses of the Kings own Clerks, and Chaplains of his Judges and Officers, who prejudiced Patrons and their Clerks; by turning them out of the livings they injuriously usurped, and out of the Kings service.

Chap. 40. Touching the oathes of Champions it is thus provided, because it seldom happened, but that the Champion of the Demandant is forsworn, in that he sweareth, that he or his Father saw the seisin of his Lord, or his anteceßor, and that his Father commanded him to deraigne the right; that from henceforth the Champion of the Demandant should not be compelled so to swear: Nevertheless his Oath shall be kept in all other points.

This Act regulated and abolished inconvenient clauses in antient *Legal Oathes* to prevent perjury; much more then * *New illegal Oathes* imposed on the Subjects without Act of Parliament, to present on numerous Articles devised by Ordinaries and Visitors, wherein there is more apparent danger of perjury, then in Champions Oathes, ought to be prevented.

* See Tom. 2. p. 706, 707, to 712. & Here, p. 78, to 83.

Chap. 48. And for as much as it is great Charity to do right unto all men at all times (when nede shall be) by the assent of all the Prelates it was provided, that Assises of Novel disseisin, Mortedaunceßter, and Darrein presentment should be taken in Advent, Septuagesima, and Lent, eben as well as Enquests maybe taken, and that at the special request of the King, made unto the Bishops.

Before this Statute, the Kings Justices Itinerant could not hold these Pleas, nor swear Juries, or take Oathes on these times before them, *without the Popes or* * *Archbishops special licenses & dispensations* in whose Province they were held, as this Statute intimates, & *Pat.* 8 *H.* 3. *m.* 2. *Clauß.* 11 *H.* 3. *m.* 8. inform us; without incurring Eccleßiastical Censures: Which was first grounded (as I conceive) upon this Eccleßiastical Law of King *Edw.* the *Confeßor* c. 3. * *De Temporibus & diebus Pacis Regis. Ab adventu Domini uſque ad Octavas* Epiphaniæ, *pax Dei & ſanctæ Eccleſiæ per omne regnum. Similiter à* Septuagesima *uſque ad Octavas* Paschæ. Item, *ab* Ascensione Domini

* See Tom. 2. p. 394, 407. * Roger. de Hoveden. *Annal.* pars poßerior, p. 601, Spelmanni Concil. Tom. 1. p. 619. Lambardi Archaion.

An. 3 E. 1. Domini *usque ad Octavas* Pentecosten. Item *omnibus diebus* Quatuor temporum. To which was added, Item *omnibus Sabbatis, ab hora nona & tota die sequente, usque ad diem Lunæ.* Item *vigiliis Sanctæ* Mariæ, *Sancti* Michaelis, *Sancti* Johannis Baptistæ, *Apostolorum omnium & Sanctorum, quorum solennitates à Sacerdotibus Dominicis annunciantur diebus, & omnium Sanctorum in Kalendis* Novembris, *semper ab hora nona vigiliarum, & subsequente solennitate.* Item *in parochiis in quibus dedicationis dies observatur,* Item *in Parochiis Ecclesiarum, ubi propria festivitas Sancti celebratur. Et si quis devote ad celebrationem Sancti adveniat,* pacem habeat eundo, et subsistendo, et redeundo. Item *omnibus Christianis ad Ecclesiam causâ orationis euntibus,* par in eundo et redeundo sit eis. *Similiter ad dedicationes, ad Synodos, ad Capitula venientibus, sive summoniti sint, sive per se quid agendum habuerint,* sit summa pax. *Etiam si excommunicatus aliquis absolvendi causa ad Episcopum confugerit, absolutus,* eundo et redeundo pacem Dei et Sanctæ Ecclesiæ habeat. *Quod si aliquis ei forisfecerit, Episcopus inde Justitiam faciat. Verumtamen, si quis arrogans pro Episcopi justitia emendare noluerit,* Episcopus Regi notum faciat. Rex autem constringat malefactorem, ut emendet cui forisfecerit, scilicet primum Episcopo, deinde sibi: et sic erunt duo gladii, et gladius gladium jubabit.

The Bishops being many of them Judges, by their *Canons* extended this Law beyond its intention, which was only to secure persons from *arrests*, not to prohibit necessary legal trials on these times and days. *John de Britton*, (a Judge and Bishop under King *Edw.* the 1. at this time, as * some observe,) records, that Pleas on those times were prohibited by the Canons of the Church; his words are these. * *Ou si ils Jsoient assets des Jurours uncore purrount ascuns estre remuables par vereys challenges de parties,* et auxi pur le temps en cas. *Car houres ne seunt pas murs:* Car (per) Canon est defendu de seinte Esglise sur peyne de excomengement, que de la Septuagisme jesq; al Utas de Pasche, ne del commencement de Advent jesque al Utas de la Epiffayne, ne en jours de Quatre temps, ne en jours de major Letanies, ne en jours de Rogacions, ne en la semayne de Pentecost, (to which he addes) *ne en temps de fier blees, ne de vendenges que durant de la Saynt* Margaret, *jesq; al* 15 *de Saynt* Michael, *ne en solennes joures festivals de sesaints de saynts,* nullay ne jurge sur le Evangeilles, ne nul secular plea ne teigne, ne summouns se ne face en temps abantdits, issint que tout cel temps soit done a Dieu prier, et de appeser contekes, et de accorder ceux que sount a discord, et pur coiller les biens del terre, dont le people doit vivre. Les Evesques nequedent et les Prelates de Seynt Eglise sount dispensations que Assises et Juries sount prises en tiels temps par resonables encheisons. But these real or pretended Canons being prejudicial to publike Justice and Legal trials, were now abolished as a grievance in this Parliament at the Kings request, and that by the assent of his Bishops, which else he would have reformed without them, being a publike grievance, against the Great Charter, ch. 29. and his Coronation Oath, *Not to delay Justice to any man,* especially in these Actions requiring speedy remedies.

* Mat. Westm. An. 1275.
* Britton, cap. 53.

I finde in the Clause Roll of 3 E. 1. m. 16. Dorso. a Lease of an House, Lands and Rents in *Badelkyng*, made for life by *Andreas de Scaccario, Domino* Francisco de Bononia Legum Doctori et Illustris Regis Angliæ Consiliario; which Mr. * *Selden* conceives to be *Francis Accursius* a famous Doctor of the Civil Law, whom the King made use of in his affairs in forreign parts; but that the *Canon Law* and professors of it had then any publike countenance or encouragement under this King or any of his predecessors, I cannot finde by Record or Story, being generally exploded and discountenanced for the * *premised reasons*, as inconsistent with the Kings prerogative, and Common Law in many things.

* Dissertatio ad Fletam, cap. 8. p. 526.

* See p. 14, 15, 62, 63, 64.

* *Matthew Parker* Archbishop of *Canterbury* rendreth us this account of Pope *Gregories* fraud and impostures, in granting Dismes to King *Edward* the 1. both before and in the Council of *Lyons*, under pretext of relieving the Holy Land, the greatest part whereof he and his Agents converted to their proper uses. *Itaque* Gregorius Edwardo *ad eos sumptus, quos in* Syria *fecisset recuperandos*, potestatem concessit bonorum in *Anglia* quorumcunque, tam Temporalium quam Spiritualium decimam partem a Clero percipere. Egregium scilicet munus, cum de suo largiri nihil voluit, de alienis bonis sumendi veniam indulsit. *Cumque* Edwardus *jam paucis diebus in Reginæ Matris & Antistitum Procerumq; suorum de consuetudine*

* Antiq. Eccles. Brit. p. 194.

ad

ad deliberandum de publicis, privatisque negotiis fuisset, in Angliam *à* Gregorio *Papa* *An.* 3 *E.* 1.
missus venit Romanus *quidam Clericus* Raymundus, *natione* Guascorus, cum authoritate viros Ecclesiasticos Papalibus animadversionibus compellendi, Decimam tam Temporalium quam Spiritualium *Edwardo* Regi solvere. Ex qua sine mora collecta pecunia Rex pereximiam tulit partem; *Raymundi* enim (qui nomine Regis huic conficiendæ pecuniæ præfectus fuit) Papalis potius et *Romanæ* cupiditatis, quam Regiæ necessitatis quæstor existimari jure debuit. Qui cum rationes retulisset pro suis in hoc negotio, Expensis atque opera non modicam portionem detraxit, deinde Papæ Domino suo donum tanto Pontifice dignum exhiberi postulabit. Quæ duæ rationes, hanc tam copiosam pecuniam pene totam absorpsit, ut Regi ex præsulum benevolentia vix aliquid Regiis dignum gratiis relictum sit. Cumque hoc exemplo *Gregorius* Papa in Christianas Ecclesias *Romano* more grassandi occasionem nactus esset, Concilium Generale indixit *Lugduni, ubi cum inutiliter de conjungenda* Græca *cum* Romana *Ecclesia multa acta essent, illius Conjunctionis ex* Paleologi Græcorum *Imperatoris & Episcoporum* Græcorum *literis ad Papam datis spes inanis*, astu Gregorii totum Concilium lactabisset, *decretum fuit*, ut toto proximo septennio provenientium Ecclesiasticorum decima pars in Terræ Sanctæ subsidium solveretur. Cujus *(ut patebit postea)* cum Quæstores a Papa constituti essent, in *Romanam* avaritiam, non illius negotii expeditionem aut curam, tota conversa est.

* *Hanc Decimam cum* Gregorius *postulasset, deliberandi diem Archiepiscopis, Episcopis, Prælatis statuit, quo vel consentirent, vel dissentiendi causas & rationes ostenderent. Adveniente die pleriq;* contradicere non ausi apertis suffragiis assensi sunt. *Inter quos* Robertus Kylwarby Cantuariensis *Archiepiscopus* ab ipso *(ut diximus)* Papa constitutus. Pater, *inquit*, Sancte, Opus & creatio manuum vestrarum Ego sum, & Ecclesia mea Ecclesia vestra, bona mea, bona vestra sunt; Disponite ergo de Ecclesia mea, & de bonis meis, sicut de bonis propriis. *Inter cæteros autem qui contradicere statuerunt, erat* Simon *quidam de* Mepham *Decanus* Lincolniensis, *qui Papæ tradidit Schedulam excusatoriam*, Angliæ Ecclesiæ expilationes diuturnas et varias continentem, quibus ita dejecta et depressa, aut vix aut ne vix quidem assurgere aut se attollere possit. *Cui perlecta Schedula Papa*, Dictasti Schedulam hanc D. Decane? *Et ille*; Pater Sancte, Ego dictavi & scripsi. *Et Papa*; Nunquid consentis, vel contradicis? *Et ille*; Domine, non contradico? *Et Papa*; Aliud est consentire, aliud non contradicere. Quid igitur, consentis? *Eodemque iterum modo respondit*, Domine, non contradico. *Cumque aliter non responderet*, privabit eum dicto citius omnibus beneficiis Ecclesiasticis. Cujus metu cæteri sine contradictione assensus suos præbuere. *Tandem ipse Decanus ne solus dissentire videretur, & dignitates amitteret, una cum reliquis assensus est, & elapso triduo beneficiis suis restitutus. In eoque Concilio Papa, quo facilius in oppressos anteactis injuriis* Anglos *sese insinuaret*, Edwardum *Regem ob terram sanctam sua præsentia & adventu servatum infinitis laudibus extulit.* Hujus Decimæ solutione a Clero promissa, Concilium statim a Gregorio dissolutum est. This being the Popes principal design in summoning it, to extort a 7. years Disme from the Clergy, by these pious Papal fraudulent pretexts.

* Ibidem: Walt. Gisborn. Petr. de Ickeham.

Soon after the Council of *Lions*, Pope *Gregory* the 10th. sent *Raymundus de Nogeriis* his Chaplain, as his Nuncio into *England*, *Wales*, *Scotland* and *Ireland* for certain affaires of the Church, especially to demand and receive from the King 8. years arrears of the *Annual Tribute*, and *Peter-pence*, then due to the Church of *Rome*, by virtue of this original Bull, which I found in the White Tower Chappel; desiring the King therein to grant him a safe conduct through his kingdom, and to assist and advise him in his affaires when required by him.

GREGORIUS Episcopus Servus servorum Dei, Charissimo in Christo filio *Edwardo* Regi *Angliæ* Illustri salutem & Apostolicam benedictionem. Quod ad benevolentem tibi & favorabilem matrem tuam *Romanam* Ecclesiam reverentiam jugiter exhibens filialem, non solum de juribus in quibus teneris eidem promptitudine sibi respondeas liberali, immo etiam ubicunque de suis pertractandis negotiis agitur fructuosus adjutor et propitius habearis, firmam spem gerimus et infallibilem fiduciam obtinemus. Cum itaque dilectum filium Magistrum *Raymundum* de

See Here, Tom. 2 p. 311, 312.

Anno 3 E. 1. *de Nogeriis* Capellanum nostrum, nobis & fratribus nostris merito suæ probitatis acceptum, pro Censibus colligendis, et denario beati Petri, ac debitis præfatæ Ecclesiæ requirendis, aliisq; nostris et ipsius Ecclesiæ negotiis ad partes Angliæ, Walliæ, Scotiæ et Hiberniæ jamdudum duximus transmittendum: Celsitudinem Regiam bestram requirimus attentius et rogamus, quatinus Capellanum ipsum benigne recipiens, et honeste pertractans, Annuum Censum in quo constat eidem Ecclesiæ teneri pro instanti, et septem transactis annis in quibus non fuit Census hujusmodi persolutus, Capellano ipsi nostro et Ecclesiæ memoratæ nomine liberaliter facias, et integre assignari; dictum Capellanum præfata negotia promobentem, habens circa illa pro nostra et Apostolicæ sedis reverentia propensius commendatum; eidem super hiis, ac etiam in securo conductu per Regnum tuum cum ab ipso fueris requisitus, auxilium opportunum et consilium impensurus. Ita quod proinde Serenitatem Regiam dignis laudibus et gratiarum actionibus prosequamur. Dat. *Lugduni* viii. Idus *Novemb.* Pontificatus nostri Anno Tertio.

What answer the King returned to this his Bull, and another of like nature, precedent to it, appears by his memorable Epistle to this Pope, thus recorded in the *Clause Rolls*, An. 3 E. 1. m. 9. Cedula.

Claus. 3 E. 1. m. 9. Cedula.

SAnctissimo in Christo Patri & Domino Domino *G.* divina providencia Sacrosanctæ *Romanæ* Ecclesiæ & universalis Ecclesiæ Summo Pontifici, *Edwardus* ejusdem gratia Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, cum reverentia & honore salutem & pedum oscula beatorum. Mandabit Nobis olim per literas apostolicas quas prona mentis devotione recepimus, vestra Sanctitas reverenda, ut annuum Censum in quo Sacrosanctæ Romanæ Ecclesiæ, ratione Regni Angliæ pro octo præteritis Annis asseritis nos teneri, venerabili viro Magistro R. de Nogeriis Capellano vestro assignari liberaliter ac integre, nomine prædictæ Romanæ Ecclesiæ faceremus. Nuper autem alias literas vestras recepimus cum reverentia, continentes, quod cum nos responsionem peticionis solutionis Census annui memorati quam nobis prædictus Capellanus vester exposuit, vestræ et Ecclesiæ Romanæ nomine diligenter, deliberatione consilii Procerum Regni nostri in * Parliamento quod circa Octabas Resurrectionis Dominicæ celebrari in Anglia consuevit, pro eo duximus reservand. quod tempore receptionis prædictarum literarum vestrarum nobiter ejusdem Regni nostri gubernacula sumpseramus: nunc de hujusmodi Censu sine ulteriori procrastinatione impendi faceremus eidem satisfactionem plenariam Capellano. Fatemur enim, Sanctissime Pater et Domine, ad Parliamentum nostrum in Octabis Resurrectionis Dominicæ pror. præterito, Regni nostri Prælatos et Proceres evocasse, ibique multa statuisse, divina gratia favente, quæ meliorationem status Ecclesiæ Anglicanæ, reformationem Regni ejusdem respiciunt, et communis profectus populi sapiant incrementa: set antequam eidem Parliamento propter negotiorum multitudinem quæ reformationis remedio indigebant finem imponere valeremus, eodem Capellano vestro responsionē debitam sibi fieri instanter postulante, quædam grabis (nos) invasit, sicut Domino placuit, infirmitas corporalis, quæ perfectionem multorum aliorum negotiorū et deliberationem petitionis Census annui supradicti, de quo dolemus non modicum, impedivit; sicque cum occasione infirmitatis hujusmodi, à qua per Dei gratiam, cujus est perimere & mederi, incepimus convalescere, idem Parliamentum fuerit dissolutum, et super hoc nequiverimus super petitione Census ejusdem deliberationem habere cum Prælatis et Proceribus antedictis, sine quorum communicato consilio Sanctitati vestræ super prædictis non possumus respondere; et jurejurando in Coronatione nostra præstito sumus astricti, quod Jura Regni nostri servabimus illibata, nec aliquid quod Diadema tangat regni ejusdem absque ipsorum requisito consilio faciemus. Reverendæ benignitati vestræ humiliter supplicamus, et pro dono petimus spirituali, quatinus moleste non ferat Sanctitas vestra, si ad præsens super prædictis sicut vellemus non possumus respondere, immo patientia vestra paterna si placet nos super hoc habere dignetur de gratia excusatos. Pro firmo sciturī, pie Pater et Dominus, quod in alio Parliamento nostro quod ad festum Sancti Michaelis pror. futur. intendimus, dante Domino, celebrare, habito et communicato consilio cum Prælatis et Proceribus memoratis, vobis super præmissis ipsorum consilio dabimus

* *Nota.*

Nota.

responsionem

responſionem. Conſerbet vos Dominus Eccleſiæ ſanctæ ſuæ per tempora longeba. Teſte meipſo apud *Weſtm.* 19 die *Jan.* Anno Regni noſtri Tertio. *An.* 3 *E.* 1.

By which Record it is apparent, 1. That notwithſtanding the Kings great obligations to this Pope *Gregory* for the two Diſmes granted him, his entertainment in his Court in his return from the Holy Land, and his double Letters and Nuncio ſent to him, to demand and receive this annual rent of 1000 Marks, granted by King *Johns* Charter, yet he denied to pay it without the adviſe and conſent of his Prelates and Nobles in Parliament. 2ly. That he conceived it contrary to the Rights of his Crown, and his Coronation Oath newly taken, to preſerve and maintain them inviolable. 3ly. That he delayed his anſwer thereto from one Parliament to another, yea never paid him one farthing thereof, nor his 4. next ſucceſſors.

The Biſhop of *Coventry* and *Lichfield* and his Official ſuing a Merchant in their Spiritual Court for Debts and Chattels in his hands belonging to the King, againſt his Prohibition to them; thereupon the King iſſued this Writ to ſummon them to anſwer this their contempt.

REX Vic. Salop. *ſalutem. Præcipimus tibi quod ponas per vadios & ſalvos plegios* R. Coventr. & Litchf. *Epiſcopum, & Magiſtrum* Simonem Ballingdem, *Officialem ſuum*, quod ſint coram nobis a die Sancti Michaelis in 15. dies, ubicunque tunc fuerimus in Anglia, oſtenſuri quare cum eiſdem Epiſcopo et Simoni inhibuerimus, ne placitum aliquod tenerent in Curia Chriſtianitatis de Catallis bel Debitis noſtris in manu et cuſtodia Nicholai de Lodelawe Mercatoris noſtri exiſtentibus, *unde idem* Nicholaus *queſtus fuit*, quod iidem Epiſcopus et Simon. traxerunt ipſum in placitum in Curia Chriſtianitatis, iidem Epiſcopus et Officialis placitum illud poſtmodum tenere præſumpſerint in Curia Chriſtianitatis in contemptum mandatorum noſtrorum, et contra prohibitiones noſtras prædictas. *Et habeas ibi nomina plegiorum & hoc breve. Teſte Rege apud* Kenington *x. die* Julii. Clauſ. 3 E. 1. m. 10. dorſo. Pro Rege.

It being the Kings ſpecial office and duty to provide that the Alms and Lands beſtowed by him and his anceſtors on Churches and religious Houſes, ſhould be duly preſerved, and rightly imployed, without any waſte, ſale, or deſtruction, he thereupon iſſued out Writs for that end, to the Sheriff of *Kent* on the behalf of the Prior and Cell of *Leneſham*.

REX Vic. Kanc. *ſalutem.* Cum ad nos prohibere pertineat, ut Eleemoſynæ quæ de patronatu noſtrorum prædeceſſorum et noſtro ſunt, in ſtatu debito abſq; baſto, benditione, ſeu diſtractione inde facienda conſerbentur: *Tibi præcipimus*, quod non permittas quod Abbas de Gandavo, bel Ballibi ſui baſtum, benditionem ſeu deſtructionem faciant de boſcis, domibus, bel hominibus pertinentibus ad Prioratum ſibe Cellam de Leueſham, quæ eſt de Patronatu noſtro: *Et taliter te habeas in hac parte, ne per defectum tuum ſeu Miniſtrorum tuorum ad te graviter nos capere debeamus. Teſte Rege apud* Kenington *Decimo die* Julii. Clauſ. 3 E. 1. m. 10. Dorſo. Pro Priore & Conventu Cellæ de Leveſham.

REX *eidem Vic. ſalutem.* Cum ad nos pertineat ſpecialiter prohidere, quod in domibus noſtri Patronatus erogationes et Eleemoſynæ a nobis et prædeceſſoribus noſtris Regibus *Angliæ* ſtabilitæ abſque diminutione bel dolo fideliter obſerbentur. *Tibi præcipimus, quod ſcire facias Abbati de* Gandavo *& Priori Cellæ ſuæ de* Leueſham, *quod ſint coram Nobis in Octabis Sancti* Michaelis, *ubicunque tunc fuerimus in* Anglia, cum omnibus munimentis dictam Cellam, una cum ſuis appenditiis, quocunque jure contingentibus, ut tunc coram Nobis ſuper defectibus ac ſubſtractionibus ſi qui forte ſubſint, id fieri faciamus, quod de fidelium noſtrorum conſilio de jure bidebitur faciendum. *Et habeas ibi hoc Breve. Teſte ut ſupra.* Ibidem.

The Archbiſhop of *Canterbury* having nulled an election of an Abbot to the Monaſtery of *Faverſham*, and thereupon provided them another Abbot, to whom the King had given his royal aſſent, he made this certificate and requeſt to the King, for Reſtitution of the Temporalties to him.

EX-

An. 3 *E.* 1.

Clauſ. 3 E. 1. m 2 dorſo. De Electione de Faverſham.

EXcellentiſſimo *Principi Domino* Edwardo *Dei Gratiâ Illuſtri Regi* Angliæ, *Domino* Hyberniæ, *& Daci* Aquitaniæ; R. *miſeratione divina* Cantuar. *Archiepiſcopus, totius* Angliæ *Primas ſalutem, & per Regni Temporalis Adminiſtrationem vitam conſequi ſempiternam. Cum nos nuper* Electionem factam *de fratre* Johanne de Romenhale *per Monachos Monaſterii de* Faverſham *in Abbatem* Electo juſtitia exigente caſſaverimus, *& eiſdem Monaſterio & Monachis de fratre* Oſwaldo de Eſtry, cui aſſenſum Regium ad noſtram inſtantiam debote adhibuiſtis prohiberimus. *Excellentiam veſtram attente rogamus, quatinus præfato* Oſwaldo *in Abbatem per nos confirmato Adminiſtrationem bonorum temporalium & poſſeſſionum Monaſterii antedicti juxta Regni veſtri conſuetudinem concedere dignemini in hac parte. Dat. apud* Lambethe 8 *Idus* Novembris. *Anno Domini* 1275. *Conſecrationis noſtræ Anno Tertio.*

King *Edward* the 1. receiving by a ſpecial Meſſenger the Epiſtle of *Abagathaan* Prince of the *Magali*, ſent to Pope *Gregory* by the Patriarch of *Jeruſalem*, ſignifying his readineſſe to embrace the Chriſtian faith, and aſſiſt the Chriſtians in the holy Land againſt the enemies of Chriſt, and deſiring King *Edward* to haſten thither to that end; he returned this pious anſwer to it, encouraging him in this Religious deſign, not extant in our Hiſtories, but only in the Patent Rolls in the Tower.

Pat. 3 E. 1. m. 32. dorſo.

IN nomine Patris, & Filii, & Spiritus Sancti, unius Dei. Ex parte *Edwardi* Dei Gratiâ Regis *Angliæ*, Domini *Hiberniæ*, Ducis *Aquitaniæ*; Excellenti & Potenti Domino *Abagathaan*, Principi Gentis *Magalorum* ſalutem, & veræ fidei notionem. Religioſus vir frater *David* de ordine Prædicatorum, Capellanus, & familiaris Venerabilis in Chriſto Patris fratris *Thomæ* Patriarchæ *Jeruſolomitan.* Apoſtolicæ ſedis Legati, ad præſentiam noſtram accedens, Literas quas ſanctiſſimo Patri Domino *G.* Sacroſanctæ *Romanæ* & Univerſalis Eccleſiæ Summo Pontifici, & aliis Regibus Chriſtianis per veſtros nuncios deſtinaſtis, nobis detulit, & oſtendit: in quibus dilectionis affectum quam ad fidem Chriſtianam, extra quam nullus omnino ſalvatur, habeatis, et propoſitum quod de præſtando juvamine Chriſtianis et Terræ Sanctæ contra Chriſtianæ fidei inimicos, ſpiritu Dei ducti, ſicut credimus, concepiſtis, collegimus et intellexerimus diligenter, quod ineffabiliter eſt affectibus noſtris gratum. Et de quo vobis aſſurgimus ad gratiarum verbales actiones. Magnificentiam veſtram rogantes, et in virtute altiſſimi obſecrantes, quatinus propoſitum veſtrum ſanctum velitis circa proſecutionem prædicti juvaminis per potentiam veſtram ejuſdem Chriſtianæ fidei Cultoribus exhibendi potenter & viriliter, ducere ad effectum. De adventu vero noſtro ad terram prædictam, & de termino paſſagii Chriſtianorum, vobis ad præſens non potuimus ſcribere veritatem, quia in confectione præſentium de prædicti paſſagii termino non erat per memoratum Summum Pontificem ordinatum, quam citò autem ſuper præmiſſis, quod erit in proximo Deo dante, certitudinem habere poterimus, id Excellentiæ veſtræ curabimus intimare. Recommendamus potentiæ veſtra affectuosè quantum poſſumus prædictæ negotium Terræ Sanctæ, & omnes Chriſtianos de partibus Orientis. Dat. apud *Bellum locum Regis* 26 die *Januarii* Anno Dom. 1274. & Anno Regni noſtri Tertio.

Some Religious perſons and Clerks refuſing to pay the Diſmes granted to the King by the Pope, (notwithſtanding the Kings * former Writs,) and their Excommunications for that cauſe by the Popes authority; he thereupon iſſued other Writs this year to ſome Sheriffes to aſſiſt the Collectors to levy them when ever required by them.

* Here, p. 1333 134.

Pat. 3 E. 1. m. 30. De Decima levanda.

REX *Vicecomiti* Wygorniæ, *& omnibus Ballivis Hundredorum & Libertatum infra dictum Com. exiſtentibus ſalutem.* Cum nonnulli Religioſi et Clerici Decimam tam Spiritualium quam Temporalium Nobis a ſede Apoſtolica ad duos Annos conceſſam detineant, et arrerag. ejus ſolvere contradicant, propter quod Executores ad ipſum Decimam colligendam deputati, ipſos excommunicationis ſententia authoritate Apoſtolica innodarunt. *Nos eorum induratam maliciam reprimere volentes, Vobis præcipimus firmiter injungentes,* quod prædictam Decimam et

ejus

ejus Arreragg. a prædictis detentoribus seu contemptoribus, vel eorundem beneficiis et bonis in Balliva vestra celeriter levari facere quandocunque a dilecto Clerico nostro Gilberto de Sutton, quem ad dictam Decimam colligendam deputabimus, fueritis requisiti. *Et hoc nullatenus omittatis. In cujus, &c. Teste Rege apud* Wyndf. 6. *die* Martii. *An.* 3 *E.* 1.

Consimiles literæ diriguntur Vic. Glouc. *& omnibus Ballivis Hundred. & Libertatum infra dictum Com. existentibus.*

Consimiles literæ diriguntur Vic. Warr. *& omnibus Ballivis, &c. ut supra.*

Consimiles literæ diriguntur Vic. Hereford. *& omnibus Ballivis, &c. ut supra.*

The Abbot and Covent of *Faversham* being greatly indebted to Merchants and others, (by their expenses at *Rome*, and Papal exactions) the King by his Soveraign Ecclesiastical authority, to preserve them and their house from ruine, took them and all their lands, monies, goods into his special protection, and committed them to the management of certain persons for discharge of their debts and necessary support, by this Patent.

REX omnibus Ballivis & fidelibus suis ad quos, &c. salutem. Cum dilecti nobis in Christo Abbas & Conventus de *Faversham*, Mercatoribus & aliis Creditoribus suis in diversis debitis multimodis & immensis teneantur, ad quorum solutionem facultates ejusdem Domus per magni temporis spacium sufficere non possent absque dispersione Conventus prædicti, vel feodalium suorum dilapidatione, seu fortè Domus illius subversione totali, quod nollemus. Nos imbecilitati status ipsorum compatientes, ne hujusmodi discriminis aut depressionis periculum ipsis videatur imminere, Domum illam cum terris, redditibus, possessionibus, ac rebus aliis ad eam pertinentibus cepimus in protectionem et defensionem nostram specialem, & eam cum omnibus pertinentiis suis commisimus dilectis & fidelibus nostris *Fulconi Peyforer*, & Magistro *Hamoni Doges*, custodiend. quamdiu nobis placuerit. Ita quod omnes exitus, redditus, & proventus terrarum, reddituum & possessionum prædictæ Domus, salva rationabili sustentatione Abbatis & Conventus ejusdem loci, ad exonerationem debitorum suorum & relevationem aliorum defectuum ejusdem Domus reserventur, & eisdem exonerationi & relevationi per visum aliquorum de discretioribus Domus ejusdem per adjutorium & Consilium dictorum *Fulconis* & *Hamonis* prout melius fieri poterit, applicentur. Nec volumus quod aliquis Vicecomes, aut Ballivus, aut Minister noster, aut alius quicunque in dicta Domo aut Grangiis ad eam spectantibus, dum in Custodia præfatorum *Fulconis* & *Hamonis* sint hospitetur, sine ipsorum licentia speciali. In cujus, &c. Teste Rege apud *Merrival*, 17. die *Augusti*. Pat. 3 E. 1. m. 13. intus. Pro Abbate & Conventu de Faversham.

The like protections were granted in the same form, to the Abbots and Covents of *Bordesleye* and *Bynedon* the same year, dated 5. & 9. *Februarii*, and to the Prior and Covent of *Thornholm* 27 *Februarii*, but the custody of them, their lands and goods, to other persons. Pat. 3 E 1. m. 33. intus.

The Chalices, Books, Ornaments, Goods and Lands of the Hermitage near *Criplegate*, *London*, being usually imbezilled for want of good Government and Regulation; the King being Patron thereof, out of his piety committed it to the care and Government of the Lord Mayor of *London* for the time being, by this Patent, to prevent the like imbezilments.

REX omnibus, &c. salutem. Quia Calices, Libri, Vestimenta, Imagines, Campanæ, & alia Ornamenta & Bona Hermitagii juxta *Crippelgate*, quod est de advocatione nostra, & quod celebris memoriæ Dominus *H.* Rex pater noster *Roberto de Sancto Laurentio* Capellano, cum omnibus pertinentiis suis dedit ad inhabitand. quoad vixerit, post decessum Heremitarum heremitagii illius, tempore vacationis ejusdem, tam per viros Ecclesiasticos, quam Laicos subtrahi & asportari solent, pro eo quod heremitagium illud non fuit tunc sub certa Custodia & protectione alicujus. Nos ad hujusmodi dampna & pericula ibidem imposterum evitanda remedium adhibere volentes, Majorem nostrum London. qui pro tempore fuerit, ejusdem hermitagii nomine nostro quamdiu nobis placuerit, Custodem deputavimus et Protectorem, ut ipse heremitagium illud inhabitantes, & redditus, & omnia Pat. 3 E. 1. m. 16. intus. De Heremitagio juxta Cripelgate.

An. 3 *E.* 1. alia ad illud pertinentia de cætero nomine nostro protegat et defendat. Et si quid eis forisfactum fuerit, id eis sine dilatione faciat emendari. In cujus, &c. Teste Rege apud *Kenyngton* 12. die *Julii*.

The Chancellor and University of *Oxford*, having at their proper costs founded a Chappelry in the Church of St. *Maries* in the middest of the Town, to pray for the safety of the King, his Queen, Children, ancestors, and all their benefactors, the King highly commending their piety therein, and endeavouring to promote it, writ to all the Archbishops and Bishops of *England* and *Ireland*, to grant some special indulgences to all who should resort to this Chappelry to hear Mass or Prayers, by this Patent, wherein he thus expressed his Soveraign care to advance Religion and Gods Worship, as the chief part of his Regal office; and records the honour and eminency of this famous *University*, as the Fountain from whence the faculty of Theology, and the living waters of mens souls, did flow, and to which many resorted from forraign and remote parts to learn Philosophy and Divinity.

Pat. 3 E. 1. m. 34. intus. De Ecclesia beatæ Mariæ Oxon.

REX *Venerabilibus in Christo Patribus Archiepiscopis & Episcopis, per Regnum* Angliæ, *& terram* Hiberniæ *constitutis salutem.* Rem honestam agere credimus, cum ad id ex officio Regiæ dignitatis intendimus, per quod divini cultus augetur nominis, et animarum salus, vivorum scilicet et fidelium defunctorum saluberrime procuratur; secundum nihilominus reputantes si ad præmissorum deliberatos et fœlices effectus amore virtutis, effundimus cum efficacia preces nostras. *Cum igitur dilecti & fideles nostri* Cancellarius et Universitas villæ nostræ Oxon. *ubi suum posuerunt trivium & quadrivium fundamenta*, ubi fons scaturit Theologicæ facultatis, ac ubi undæ animæ hominum venientium de longinquis, Philosophiæ vestibus induuntur, in Ecclesia beatæ Virginis dicti loci Capellaniam quandam deliberatione sancta nuper et provida durerint statuendam, ut in ea tam pro nostra, Consortis et liberorum nostrorum incolumitate corporea, quam pro recolendæ memoriæ Domini genitoris, ac aliorum progenitorum nostrorum, et omnium Benefactorum Universitatis ejusdem remedio animarum, Majestati divinæ sacrificia offerantur. *Et ad hæc incommutabiliter exequenda perpetuum Capellanum in ea*, cui necessaria pro sustentatione vitæ de proprio deputarent, durerint ordinandum. Nosque desideremus ex corde, quod pia ipsorum ordinatio et honesta fidelium Christi subsidiis sustententur, ut devotionis per hoc cumulus augeatur, universitatem vestram attente requirimus et rogamus, quatinus divinæ retributionis intuitu et nostrorum rogaminum omnibus qui ad Missarum sollempnia Capellaniæ prædictæ causa devotionis et orationis accesserint, indulgentias aliquas secundum quod potestatis vobis a Deo datæ requirit efficium, concedatis, ut ex hoc vobis a Deo præmium, et a nobis commendationis titulus, et multiformium gratiarum actiones possint et debeant merito provenire. *Teste Rege apud* Woodstock *in crastino beati* Thomæ *Martyris*, *Anno Regni nostri Tertio.*

He likewise out of his favor and respect to this University, and the advancement of Learning and Religion, confirmed all their former Priviledges and Charters, to convene the Burgesses of the Town before them in all personal actions, commanding the Mayor and Bailiffs of *Oxford* to observe them to their power, and likewise issued a Writ to the Mayor and Bayliffs of *Oxford*, for regulating the excessive prises of victuals, beer, wine, according to their Oath, by the advice and assistance of the Chancellor.

Pat. 3 E. 1. Pro Scolaribus Universitatis Oxon.

REX *omnibus, &c. salutem.* Sciatis quod de gratia nostra speciali concessimus Scolaribus Universitatis *Oxon.* quod de omnibus actionibus personalibus possint convenire Burgenses, et alios Laicos municipii nostri *Oxon.* coram Cancellario ejusdem Universitatis, et quod per prohibitionem nostram super hoc nequaquam impediantur. *In cujus, &c. pro nostra libito voluntatis duraturas. Teste Rege apud* Westm. *xxx. die* Octobris.

Ibid. De Cancellar. & Scolaribus Vniversit. Oxonii.

REX *Vicecomiti, Majori, & Ballivis suis* Oxon. *salutem.* Volentes dilectis nobis Cancellario et Scolaribus Universitatis *Oxon.* a progenitoribus nostris Regibus *Angliæ* per literas suas patentes concessa, quibus hucusque rationabiliter

nabiliter uſi ſunt in omnibus et ſingulis ſuis articulis inbiolabiliter obſervari, bo- *An.* 3 E. 1.
bis mandamus, quod Cancellario et Scolaribus prædictis privilegia prædicta con-
ſervetis illæſa, et ab aliis omnibus quantum in vobis eſt illæſa conſervari facia-
tis in forma prædicta. *In cujus, &c. quamdiu Regi placuerit duraturas. Teſte Rege apud* Weſtm. 4. *die* Novembris.

REX *Majori & Burgenſibus ſuis* Oxon. *ſalutem. Cum bonas & legales denara-* Clauſ. 3 E. 1.
tas victualium facere, ac certam modificationem precii vini & rerum aliarum m. 18. dorſo.
venalium in prædicta villa noſtra providere & ſtatuere quæ vos præfatæ Major. & alii Pro Cancellar.
Ballivæ noſtri ejuſdem Villæ, de conſilio et aſſenſu Cancellarii et Procuratorum U- & Scolaribus
niverſitatis ipſius Villæ, ex virtute juramenti præſtiti fideliter obſervari facere te- Vniverſitatis
neamini, Piſtores, et Braciatrices, necnon et alii victualium venditores aſſiſas Oxon.
noſtras in pane, potu, et maxime in vini venditione, et cæterorum victualium fran-
gentes, hujuſmodi victualia carius quam de jure facere debent vendunt in Villa
prædicta, ad grave dampnum ipſius Univerſitatis, et totius communitatis ejuſ-
dem Villæ, et in læſionem juramenti veſtri et aſſiſarum noſtrarum prædictarum,
ſicut ex relatu quorundam fidelium noſtrorum plenius intelleximus. *Et ideo vobis firmiter injungentes mandamus*, quatinus aſſiſas noſtras in hujuſmodi victualibus,
certam modificationem precii, tam vini quam rerum aliar. venalium de conſilio et aſ-
ſenſu prædictorum Cancellarii et Procuratorum in Villa noſtra prædicta plenius ob-
ſervari et prohiberi faciatis. Scolares inſuper Univerſitatis prædictæ, ſuis libertati-
bus et conſuetudinibus libere uti permittatis, prout temporibus retroactis eis ra-
tionabiliter uſi ſunt: Ita ne clamor ad nos inde proveniat iteratus, per quod ma-
num ad hoc apponere debeamus. *Teſte Rege apud* Weſtm. 2. *die* Maii.

The Citizens of *Norwich* being ſeverely * puniſhed, impriſoned, fined to the * See Here,
King, and to the Prior and Monks of *Norwich*, for burning and ſpoyling their Mona- Tom. 2. page
ſtery and Cathedral Church, in the laſt year of King *Henry* the 3. and ordered to 1065, to 1068.
pay their damages thereby ſuſtained; thereupon there were certain Perſons cho-
ſen to mediate an accord between the Biſhop, Prior, Covent and Citizens, what
damages they ſhould pay them; who varying in the ſums, the one party demand-
ing 4000, and the other profering them only 2000 marks; they both at laſt agreed
to referr themſelves to the Kings final Arbitrement concerning the ſum; who or-
dered the Citizens to pay 3000 marks damages to them at ſeveral payments, as
this Record informs us.

CUM ſuper actionibus & querelis quas Venerabilis Pater *R. Norwicen.* Epiſco- Clauſ. 3 E. 1.
pus, *Prior & Conventus* ejuſdem loci ex parte una, & Communitas *Civium* m. 3. intus.
Norwicen. ex altera, aſſerebant adinvicem ſe habere ratione combuſtionis Eccleſiæ Compromiſſ.
et Prioratus Norwic. ac dampnorum datorum occaſione combuſtionis ipſius hinc Epiſcopi Nor-
inde, et alia ratione quacunque, mediantibus Decano *Sar.* et *Thoma de Clare* tra- wicen. Prioris
ctatus pacis inter partes fuiſſet habitus; Fuiſſentque per dictos Epiſcopum, Priorem & Conventus
& Conventum pro omnibus ſupradictis *quatuor millia Marcarum* petita a Com- ejuſdem loci,
munitate prædicta: Ac ex parte Communitatis ejuſdem *duo millia Marcarum* obla- & Civium
ta pro bono pacis: Tandem prædicti Epiſcopus & Prior pro ſe & Conventu ſuo, & Norwicen.
Ad. de Toftys, Willus de Rollesby, Henr. le Chancer, & *Rogerus de Tudenham*, Cives *Norwicen*, pro dictâ Communitate, ſuper prædictis omnibus in Dominum noſtrum Regem tanquam in arbitrum, arbitratorem et ordinatorem alte et baſſe compro-
miſerunt. Ac volentes quod ipſe inter dicta quatuor millia Marc. et duo Millia
ſcindere et ordinare, et terminos ad ſolvendum ſtatuere, ac omnes actiones & que-
relas prædictas ſopire valeat pro ſuæ libito voluntatis, promiſerunt ſe quicquid idem
Rex inter ipſas partes dicendum, arbitrandum vel ordinandum duxerit pace vel judi-
cio ſuper præmiſſis inviolabiliter ſervaturas, & facturas prædictum Conventum &
dictam Communitatem in omnibus obſervari, Ad quæ compelli per poteſtatem Re-
giam conceſſerunt.

UNde Nos Edwardus *Dei gratia Rex* Angliæ, *Dominus* Hiberniæ, *& Dux* Aqui- Dictum Regis
taniæ, *Habito ſuper præmiſſis prudentum virorum conſilio, In nomine Patris, &* ſuper eodem
Filii, & Spiritus Sancti, Dictum noſtrum dicimus & proponimus in hunc modum: In- Compromiſſo
primis

An. 3 *E.* 1. primis dicimus et ordinamus, quod omnes actiones et querelæ quas habebant, vel habere poterant adinvicem usque hanc diem, ratione vel occasione prædictis, remittantur hinc inde. Et quod dicta Communitas reddat dictis Priori et Conventui ad reparandum seu reædificandum Ecclesiam et Priorat[um] prædictos, Tria Millia Marcarum ad terminos infrascriptos, videlicet, quolibet anno Quingentas Marcas; medietatem scilicet ad *Quindenam Pentecostes*, & aliam medietatem ad *Quindenam Sancti Martini*, quousque dicta summa (*Tria millia Marcarum*) fuerit integrè persoluta. Dicimus etiam et ordinamus, quod dicta Communitas faciat fieri unum vas aureum ponderis decem librarum auri, precii Centum librarum argenti, ad tenendum corpus Christi super altare dictæ Ecclesiæ. Dicimus insuper et ordinamus, quod dicti Prior & Conventus faciant ex quacumque parte voluerint portam & introitum dicti Prioratus, absque dampno vel prejudicio alieno. Adhuc dicimus et ordinamus, quod prædicti Episcopus, Prior et Conventus bona fide in Curia Romana et alibi sumptibus Communitatis, exceptis expensis quas faciet Nuncius prædictorum Episcopi, Prioris et Conventus, qui ibit ad *Curiam Romanam ad impetrandam relaxationem sententiarum latarum in dictam Communitatem et Civitatem Norwic. procurent, quod dicta Communitas et eorum Civitas a Sententiis Excommunicationis, et Interdicti, et aliis latis in ipsos rationibus et occasionibus suprædictis, absolbantur, et dictæ sententiæ totaliter relaxentur. Et si forte super præmissis vel eorum aliquo dubitationem aliquam oriri contigerit, Nos declarandi et interpretandi dubitacionem hujusmodi, retinemus Nobis plenariam potestatem. *Dat. apud* Westm. *v. die* Octobris, *Anno r. n. Tertio.*

* Which usurped a Jurisdiction to excommunicate & Interdict them, only to get money by their absolution.

The King having the year before issued a Proclamation to banish all forraign Merchants who were Usurers (as sinfull and mischievous persons) out of *London* and the Realm by a day, under pain of imprisonment and confiscation of their goods, issued this Writ to inquire after the persons and goods of all such who disobeyed his Proclamation, and to seise their goods and persons for their contempt.

Cl. 3 E. 1. m. 23. intus. De bonis Mercatorum Usurariorum arrestand. et custodiendis.

REX dilectis & fidelibus suis Fratri Joseph de Chancy, *Thesaur. suo, &* Johi de Lovetot. *&* Galfrido de Neuland, *duobus vel alteri eorum salutem.* Cum nuper publice clamari fecerimus quod omnes Mercatores Usurarii infra Civitatem nostram London. et alibi infra regnum nostrum commorantes, infra certum diem jam præteritum, sub gravi forisfactura exirent regnum suprædictum; *Ac quidam eorum in Civitate predicta & alibi in Regno nostro adhuc morentur*, contra inhibitionem nostram prædictam, *ut accepimus*; *Vobis mandamus*, quod inquisita super hoc caute et diligenter veritate, si aliqui hujusmodi Mercatores infra dictam Civitatem vel extra in Regno nostro prædicto inveniantur, tunc corpora eorum et omnia bona et catalla sua in quorumcumque manibus ea inventi contigerit, sine dilatione aliqua arrestari, et salvo custodiri faciatis, donec aliud a nobis super hoc receperitis in mandatis. *Et ità circumspectè & diligenter vos habeatis in hoc mandato nostro exequendo, quod diligentiam vestram exinde meritò commendare debeamus. Teste Rege apud* Ringwood, *xxiii. die* Januar.

The King according to the Law of Merchants, and custom of the Realm, having distrained the goods of all the Merchants of the Bishop of *Leige*, for a debt owing by this Bishops predecessor to the Merchants of *Florence*, for monies lent him to dispatch his and his Churches affaires in the Court of *Rome*; at the Popes special request, released their goods by this Patent, the Bishop having promised to pay them the debt in his own Country.

Pat. 3 E. 1. m. 34. intus. Pro Mercatoribus & hominibus Episcopi Leodien.

* Where nothing could be obtained but for money.

REX omnibus, &c. salutem. Cum nuper ad querimoniam Hugonis Papæ *& sociorum suorum Mercatorum* Florentinorum, *mandaverimus Majori & Vicecomitibus* London. *&* *Ballivis nostris* Sutht. *quod omnes Mercatores de terra & potestate Episcopi* Leodiens. *ad partes* Angliæ *accedentes per bona & catalla sua*, secundum legem Mercatoriam, et consuetudinem Regni nostri distringerent, *ad satisfactionem prefatis Mercatoribus* Florentinis *de quadringentis Marcis quas ipso* Willielmo *Electo predecessori predicti Episcopi* in * Curia *Romana* ad negotia sua et

Leod.

Leod. Ecclesiæ expedienda mutuo tradiderunt, *prout præfati Mercatores* Florentini *pecuniam illam sibi deberi rationabiliter ostendere possent coram iis.* Ac Dominus Papa nos instanter requisierit, *ut, cum* Johannes *jam Episcopus* Leodiens. *paratus sit super hoc eis in partibus suis exhibere justiciæ complementum, districtionem illam Mercatoribus & hominibus de Episcopi* Leodiens. *remitteremus ad præsens.* Nos precibus dicti Domini Papæ annuentes in hac parte, *Vobis mandamus, quod dictis Mercatoribus et hominibus dicti Episcopi* Leod. *occasione debiti aut mutui prædicti non gravetis in aliquo vel molestetis. In cujus, &c. Teste Rege apud* Woodstock 28 *die* Decembris. *Anno 3 E. 1.*

After the decease of *William Button* Bishop of *Bath* and *Wells*, (the Processe and form of whose election, as likewise of his predecessors *Walter Gifford*, translated to *Yorke*, I finde registred in a very fair hand in the Leiger Book of the Priory of *Bath*, *p.* 91. to 103.) The King upon the Petition of the Prior and Covent of *Bath*, and of the Dean and Chapter of *Wells*, granted this license to them to elect a new Bishop.

REX dilectis sibi in Christo, Priori & Conventui *Bathon.* salutem. Accedentes ad nos fratres *Johannes Precentor*, et *Thomas de Wynton* Commonachi vestri cum literis Capituli vestri patentibus, nobis ex parte vestra humiliter supplicarunt, ut cum Ecclesia vestra *Bathon.* & Ecclesia *Wellensis* sint per decessum bonæ memoriæ *Willielmi* nuper Episcopi vestri pastoris solacio destitutæ, vobis & Decano & Capitulo *Wellen.* alium eligendi Episcopum licentiam concedere dignaremur. Nos igitur vestris in hac parte precibus favorabiliter inclinati, Licenciam illam vobis et ipsis duximus concedendam, *Mandantes, quatinus vos una cum ipsis,* talem vobis eligatis in Episcopum et pastorem, qui Deo devotus, regimini Ecclesiarum prædictarum necessarius, nobisque et regno nostro utilis et fidelis existat. In cujus &c. Teste Rege apud *Oveston* xx. die *Decembr.* Pat. 3 E. 1. m. 34. Intus. De Licentia eligendi.

REX dilectis sibi in Christo Decano & Capitulo *Wellensi* salutem. Accedentes ad nos dilecti nobis *Henr. de Monteforti*, & Magister *Robertus de Brandon*, cum literis Capituli vestri patentibus, nobis humiliter ex parte vestra supplicarunt, ut cum Ecclesia vestra *Wellensis*, & Ecclesia *Bathon.* sint per decessum bonæ memoriæ *Willielmi* nuper Episcopi vestri pastoris solacio destitutæ, vobis & Priori & Conventui *Bathon.* alium eligendi Episcopum licentiam concedere dignaremur. Nos igitur vestris in hac parte precibus favorabiliter inclinati, Licentiam illam vobis et ipsis duximus concedendam. Mandantes quatinus vos una cum ipsis, talem vobis eligatis in Episcopum et pastorem, qui Deo devotus, Regimini Ecclesiarum prædictarum necessarius, nobisque et regno nostro utilis et fidelis existat. In cujus, &c. Teste ut supra. Ibid.

How they proceeded in their Election upon this License to elect *Robert Burnell*, I finde thus recorded in the Leiger Book of the Priory of *Bath*, p. 109.

MEmorandam *de forma Electionis facte per viam compromissi in Ecclesia Cathedrali* Wellen. *de Domino* Roberto Burnell, *sub forma quæ sequitur.* Omnibus Christi fidelibus, ad quos præsens scriptum pervenerit, *Walterus* Prior, & Conventus *Bathonienses*, *Edwardus* Decanus, & Capitulum *Wellenses*, salutem in Domino. Noveritis quod nos constituti in Capitulo *Wellensi*, in Crastino Sancti *Vincentii*, anno Incarnationis Dominicæ Millesimo ducentesimo septuagesimo quarto, ad eligendum futurum Pontificem assignati, ob tranquillitatem *Bathonensis* & *Wellensis* Ecclesiarum & bonum pacis, dilectis in Christo fratribus nostris, *Ricardo* Suppriori *Bathonensi*, *Martino de Dunster*, *Matthæo de Dunster*, *Johanni de Redingges*, *Thomæ de Winton. Richardo de Chernibury*, & *Johanni Precentori*, Monachis *Bathonensibus*, *Thomæ* Archidiacono *Wellensi*, *Henrico de Monteforti*, Magistris *Constantino*, *Philippo de Stanton*, *Willielmo* Subdecano, *Roberto de Grandon*, & *Rogero de Cruk*, Canonicis *Wellensibus*, ad eligendum nobis & ipsis de gremio, seu collegiis Ecclesiarum nostrarum prædictarum Episcopum & Pastorem hac vice ad diem prædictam, ommittimus vices nostras. Ratum habituri & firmum quicquid omnes ipsi, xiii. xii. xi. seu x. de eis ad minus, in dicto Electionis negotio, dicta die, duxerint faciendum.

Promittentes

An. 3 E. 1. Promittentes firmiter, quod ipsum habebimus in Prælatum, quem duxerint eligendum in dictarum Ecclesiarum nostrarum patrem & pastorem. Dat. die, loco, *Wellens.* &c. supradictis. In cujus rei testimonium sigilla nostra præsentibus sunt appensa.

In nomine Domini nostri Jesu Christi Amen. Anno Incarnationis ejusdem 1274. Regnante Domino *Edwardo* illustri Rege *Angliæ*, mense *Januario*, in Crastino Sancti *Vincentii*, x. scilicet Kal. *Februarii Bathon.* & *Wellen.* Ecclesiis Pastoris solatio destitutis per mortem bonæ memoriæ *Willielmi* nuper ipsarum Episcopi, corporeque ipsius Patris tradito sepulturæ, à Priore & Conventu *Bathon.* & Decano & Capitulo *Wellensibus*, dicta die ad eligendum præfixa, vocatis vocandis in Capitulo Cathedralis Ecclesiæ *Wellen.* invocata Sancti Spiritus gratia; Nos *Ricardus* Supprior *Bathon.* *Martinus* Prior de *Dunster*, *Matthæus de Dunster*, *Johannes de Redingges*, *Johannes* Præcentor *Bathon.* *Thomas de Wynton*, *Ricardus de Chernibury*, Monachi *Bathonienses*; *Thomas* Archidiaconus *Wellensis*, *Henricus de Monteforti*, Magistri *Constantinus*, *Philippus de Stauntone*, *Willielmus* Subdiaconus, *Robertus de Graundon*, & *Rogerus de Cruk*, Canonici *Wellenses*; quibus commissa fuit potestas à Priore & Conventu *Bathon.* à Decano & Capitulo *Wellen.* providendi de Pastore, habito inter nos super his diligenti tractatu, potestate eadem in Dominum *Robertum Burnell* Canonicum *Wellen.* virum providum & discretum, scientem et valentem Ecclesiarum jura tueri, patrem & Episcopum nostrum præficiendum consentimus. Unde Ego prædictus *Thomas* Archidiaconus *Wellen.* pro me & con-compromissariis meis antedictis, de mandato & voluntate ipsorum con-compromissariorum meorum vice mea & omnium nostrum, eundem Dominum *Robertum* eligo nobis & Ecclesiis nostris Episcopum & Pastorem. Et ut fides huic Electioni adhibeatur, præsentibus Sigilla *Capitulorum nostrorum* sunt appensa.

Upon the Certificate of this their Election to the King, he gave his Royal assent thereto by this Patent.

Pat 3 E 1. m. 32. De assensu electioni factæ

REX *Venerabili in Christo Patri* R. Cantuar. *Archiepiscopo, totius* Angliæ *Primati salutem; Sciatis quod electioni nuper celebratæ in Ecclesiis* Bathon. & Wellen. *de discreto viro* Roberto Burnell *Canonico* Wellen. *in Episcopum ejusdem loci* Regium assensum adhibuimus et favorem. Et *hoc vobis tenore præsencium significamus, ut quod vestrum est in hac parte exequamini. In cujus, &c. Teste Rege apud* Kaveresham, 3 *die* Febr.

Ibidem. De assensu electioni factæ.

REX *Electioni nuper celebratæ in Ecclesia* Wellen. *per Priorem & Conventum* Bathon. *& Decanum & Capitulum* Wellen. *de discreto viro* Roberto de Burnell *Canonicum* Wellen. *in Episcopum* Bathon. & Wellen. Regium assensum adhibuit et favorem. Et *hoc significatum est Domino* R. Cantuar. *Archiepiscopo, ut quod vestrum est in hac parte exequatur. Teste Rege apud* Caversham 2. *die* Febr.

After his Confirmation by the Archbishop, and Fealty to the King; this Writ issued for the restitution of his Temporalties.

Claus. 3 E. 1. m. 31. intus. De restitutione Temporalium.

REX *Militibus, liberis hominibus, & omnibus aliis Tenentibus de* Episcopatu Bathon. & Wellen. *salutem. Cum venerabilis pater* R. Cantuariensis *Archiepiscopus totius* Angliæ *Primas, electionem nuper celebratam in Ecclesia* Wellen. *per dilectos nobis in Christo Priorem & Conventum* Bathon. *& Decanum & Capitulum* Wellen. *de discreto viro* Roberto Burnell *Canonico* Wellen. *cui prius* Regium assensum adhibuimus et favorem, confirmaverit, *sicut per literas dicti Archiepiscopi patentes plenius accepimus*, nos fidelitatem ipsius Electi cepimus, *& eidem temporalia prædicti* Episcopatus *cum pertin. pront moris est, reddidimus. Et ideo vobis mandamus, quod eidem* Electo *tanquam Domino vestro in omnibus quæ ad* Episcopatum *illum pertinent intendentes sitis & respondentes. In cujus, &c. T. R. apud* Windes. 15 *die* Febr.

This Bishop soon after his Consecration, to end the frequent Controversies between the King, Abbots of *Glastonbury*, and Bishops of this See, by consent of the Dean and Chapter of *Wells*, and of the Prior and Covent of *Bath*, exchanged the *Patronage* of the Abbey of *Glastonbury*, and some other rights therein granted to him

him by former Kings Patents, for the City of *Bath*, as this Patent atteſts, which I finde enrolled in the Clauſe Rolls of this year, and in the Leiger-book of the Priory of *Bath*. *An.* 3 *E.* 1.

Clauſ. 3 E. 1. m. 6. dorſo.

VNiverſis Sanctæ Matris Eccleſiæ filiis ad quos præſens ſcriptum pervenerit *Robertus* permiſſione divina *Bathon.* & *Wellen.* Epiſcopus, ſalutem in Domino ſempiternam. Noveritis quod nos de communi conſenſu, & aſſenſu Capitulorum noſtrorum *Bathon.* & *Wellen.* conceſſimus, remiſimus, & quietum clamavimus pro nobis & ſucceſſoribus noſtris imperpetuum, Magnifico Principi & Domino noſtro Domino *Edwardo* Dei gratia Regi *Angliæ* illuſtri, & hæredibus ſuis, ſervicium omnium terrarum & feodorum nunc *Abbatiæ Glaſton.* cum patronatu ſeu cuſtodia ejuſdem Abbatiæ, & pertin. quæ prædeceſſores noſtri habuerunt, ut medii inter Reges *Angliæ*, & Abbas *Glaſton.* ex conceſſionibus inclytæ recordacionis *Richardi, Johannis*, & *Henrici* tertii Regum *Angliæ* prædeceſſorum nunc dicti Domini Regis noſtri, & miſericordias Abbatum *Glaſton.* cum in miſericordias Regum vel amerciamenta inciderint, & illam medietatem quæ remanſit *Waltero Gifford*, quondam *Bathon.* & *Wellen.* Epiſcopo & ſucceſſoribus ſuis; per quandam Compoſitionem initam inter ipſum *Walterum* ex una parte, & *Robertum* quondam Abbatem *Glaſton.* ex altera, de omnibus amerciamentis, finibus, eſchapiis latronum, catallis fugitivorum & damnatorum, & de murdr. & de bobus de diſſeiſina provenientibus de terris & feodis hominum Abbatiæ prædictæ, & de omnibus feodis & hominibus eorundem, & ſimiliter alias libertates quas Epiſcopi *Bathon.* & *Wellen.* habuerunt ex dictis conceſſionibus Regum *Angliæ*, ut medii inter Reges ipſos & Abbates *Glaſton.* ſalvis nobis & ſucceſſoribus noſtris & Eccleſiis noſtris *Bathon.* & *Wellen.* imperpetuum Maneriis de *Pokelechurch*, cum advocatione Eccleſiæ ejuſdem Manerii & pertin. ſuis in Com. *Glouc.* *Blakeford* cum libera Capella ejuſdem loci & pertin. ſuis, *Wyneſcumbe* cum advocatione Eccleſiæ ejuſdem Manerii, & pertin. ſuis, & *Cranemere* cum omnibus pertin. ſuis in Comitatu *Summerſ.* Ita quod idem Manerium de *Cranemere* ſit quietum ab omni ſecta Curiarum & Hundredorum; Et ſalvis nobis & ſucceſſoribus noſtris & Eccleſiis noſtris feodo unius Milit. in *Camolerton*, & feodis ad ſupradicta Maneria pertinentibus, advocationibus Eccleſiarum de *Criſtemeleford* & *Kyngton* in Com. *Wyltes*, *Aſſebur.* in Com. *Berk.* & *Boclond* in Com. *Dorſ.* & eciam amerciamentis, finibus, eſchapiis latronum, catallis fugitivorum & dampnatorum, & de murdris & de bobus de diſſeiſina provenientibus de ſupradictis Maneriis de *Pokelechurch*, *Wyneſcumbe*, *Cranemere* & *Blakeford*, cum pertinentiis & feodis ad ipſa pertinentibus, & omnibus hominibus eorundem feodorum & maneriorum. Ita quod prædicti Abbas & Conventus prædicto Domino Regi & hæredibus ſuis in omnibus dictam Abbaciam feoda & libertates, & alia ut præmittitur contingentibus, tanquam Dominis et Patronis intendant et reſpondeant immediate. Et ita quod nos & ſucceſſores noſtri nichil juris et clamei in prædictis ſerbicio, patronatu, cuſtodia, amerciamentis, libertatibus, et aliis, dicto Domino Regi per nos conceſſis et remiſſis aliquo tempore vendicare vel exigere poterimus in futurum. Habenda & tenenda omnia ſupradicta per nos Domino Regi conceſſa, & ſine ullo retenemento remiſſa & hæredibus ſuis, integre et quiete in eſcambium pro Civitate Bathon. et ſuburbio ejuſdem Civitatis, una cum domibus, gardino et prato ſubtus Civitatem prædictam ex parte orientali, inter Abbaciam et Civitatem ipſam, et advocacionibus Eccleſiarum ejuſdem Civitatis et ſuburbii, ſi quæ ad ipſum Dominum Regem pertineant in dicta Civitate & ſuburbio, & una cum omnibus aliis pertinentiis ejuſdem Civitatis ſine ullo retenemento, excepta *Bertona Bathon.* quam Prior & Conventus *Bathon.* tenent de Domino Rege ad feodi firmam, & quæ ipſi Domino Regi & hæredibus ſuis remanet, & eciam pro quibuſdam libertatibus dictam Civitatem contingentibus, quas Dominus Rex nobis per Cartam ſuam conceſſit, ſalvis eciam nobis, ſucceſſoribus noſtris, & Eccleſiis noſtris, juribus, poſſeſſionibus, & libertatibus aliis nobis & Eccleſiis noſtris per Reges *Angl.* conceſſis, in quibus non intendimus nobis & ſucceſſoribus noſtris præjudicium generari, occaſione conceſſionis, remiſſionis, & quieteclamacionis quas prædicto Domino Regi & hæredibus ſuis fecimus de prædicto ſervicio, patronatu, cuſtodia, & aliis ſupradictis; Salvis eciam nobis Eccleſiis et ſucceſſoribus noſtris, jure et juriſdictione Diocesana, ac authoritate in eodem Monaſterio et pertinentibus ad ipſum in omnibus. In cujus rei teſtimonium Sigillum noſtrum,

An. 3 *E.* 1. noſtrum, unà cum Sigillis Capitulorum noſtrorum *Bathon.* & *Wellen.* præſentibus eſt appenſum. Dat. Quintodecimo Kal. *Junii*, anno Incarnationis Dominicæ Milleſimo ducenteſimo ſeptuageſimo quinto. His teſtibus, Domino *Waltero* tunc *Roffenſi* Epiſcopo, Magiſtris *Waltero Stamel* Decano *Sarum*, *Thoma de Cantilupo*, Dominis *Rogero de Mortuo Mari*, *Johanne* fil. *Johis*, *Radulpho de Hengham*, *Waltero de Helyon* tunc Domini Regis Juſtic. *Johanne de Kirkeby*, & aliis.

In purſuit and execution of which Exchange, the King iſſued theſe two enſuing Patents to the Citizens of *Bath*, and others, to make livery and ſeiſin thereof to the Biſhop.

Pat. 3 E. 1. m. 19. Pro R. Bathon. & Wellen. Epſcopo.

REX *Civibus* Bathon. & *omnibus aliis tenentibus de eadem Civitate ſalutem. Cum per Cartam noſtram conceſſerimus Venerabili Patri* R. Bathon. & Wellen. *Epiſcopo & ſucceſſoribus ſuis ejuſdem loci, necnon & Eccleſiis ſuis* Bathon. & Wellen. Civitatem noſtram Bathon. cum ſuburbio, et omnibus aliis pertinentiis ſuis ſine aliquo retenemento, *exceptâ bertona noſtra* Bathon. Habend. in eſcambium pro patronatu Abbaciæ Glaſton. *prout in Carta noſtra eidem Epiſcopo inde confecta pleniùs continetur*; *Vobis mandamus*, quod eidem Epiſcopo & ſuccеſſoribus ſuis prædictis, tanquam Dominis veſtris in omnibus quæ ad Civitatem prædictam pertinent de cætero intendentes ſitis et reſpondentes, *ut prædictum eſt. In cujus*, &c. *Teſte Rege apud* Weſtm. *xv. die* Jun.

Ibidem.

REX *dilectis ſibi* Willielmo Sleghe, & Godefrido Horſet *ſalutem. Cum per Cartam noſtram conceſſerimus Venerabili patri* R. Bathon. & Wellen. & *ſucceſſoribus ſuis Epiſcopis ejuſdem loci, necnon & Eccleſiis ſuis* Bathon. & Wellen. Civitatem noſtram Bathon. cum ſuburbio, et omnibus aliis pertin. ſuis, *excepta bertona noſtra* Bathon. Habend. in eſcambium pro patronatu Abbaciæ Glaſton. *prout in Carta noſtra eidem Epiſcopo inde confectâ plenius continetur*; *Vobis mandamus*, quod dictam Civitatem cum omnibus pertinentiis ſuis, excepta bertona prædicta, eidem Epiſcopo vel ſuo certo Attornato literas noſtras deferenti ſine dilatione liberetis, et plenam ſeiſinam inde habere faciatis. *In cujus*, &c. *Teſte ut ſupra.*

a Mat Weſtm, Anno 1275. p. 364.

[a] *Mat. Weſtminſter* informs us; *Obiit hoc anno* Johannes Bretoun *Epiſcopus* Herefordenſis, *qui admodum peritus in Juribus* Anglicanis, libzum de eis conſcripſit, *qui vocatur*, Le Bretoun; *Cui ſucceſſit* Thomas de Cantilupo. Which is likewiſe ſeconded by *Johannes Bale* Catalogus Scriptorum Brit. Centur. 4. c. 44. *Johannes Pitſens* Relationum Hiſt. de Rebus Anglicis, Tom. 1. Ætat. 13. An. 1275. Sir *Edward Cookes* Preface to his 10. Report, Dr. *Cowels* Interpreter, Tit. *Britton*, *Centuriæ Magdeburgenſes* 13. c. 10. and *Francis Godwin* in the Life of *Britton* Biſhop of *Hereford*, who all record, that this Biſhop was a great Lawyer, and that he writ a Book, *De Legibus Anglicanis*, ſpending his time in hearing ſecular Cauſes, inſtead of preaching the Goſpel, and diſcharging his Epiſcopal function; for which *John Bale* Biſhop of *Oſſery* paſſed this cenſure upon him: Johannes Bekton (ſo he ſtiles him) utriuſque Juris Doctor, & *Epiſcopus* Herefordenſis, *magna per hos dies apud Regem & Principes authoritate valebat*, in Juriſprudentia inſigniter eruditus, ſed qualis interim fuerit in ſtudio Legis divinæ pro Evangelii miniſterio, ad quod tunc vocabatur, apud nullos certe ſcriptores inveni. *Leges utiles ac neceſſarias fore, quis non novit? Dum pro privato leguleiorum commodo non ſint, ſed pro communi civium utilitate conſcriptæ. Factæ ſunt Leges* (*inquit* Iſodorus) *ut earum metu humana coerceatur præceps audacia, tutaque maneat inter improbos Innocentia.* At Evangelii miniſtrum Epiſcopum, qui ſolis eloquiis ac promiſſionibus Chriſtianum paſceret gregem, in illis verſari, quæ ad cauſas ſpectat forenſes, ut in Anna et Caiapha, plus quam Judaicum eſt. *Nihilominus congeſſit* Johannes *ad communem* (*ut dicunt*) Anglorum *Reipublicæ utilitatem, ingens opus ex variis ſcriptis collectum.*

b Sir Roger Owen, & Mr. John Seldens Notes upon Hengham, p. 129.

De Legibus Anglicanis, l. 1. Edwardo Henrici *Regis filio* (*inquit* Lelandus) *tum præterea toti plebi longè utiliſſimæ hæ Leges erant.* But [b] *others* more probably affirm, that this Book, *De Legibus Angliæ*, was not written or collected by this Biſhop, but by another *John le Breton*, a Judge under King *Henry* the 3. ſurviving this Biſhop, who dyed *Anno* 3 *E.* 1. whereas this Book makes mention of the Statute

Statute of *Glouceſter*, *Anno* 6 *E.* 1. in his Chapter *De Purchaſe Conditionel*, c. 36. and of the Statute of *Winton*, *Anno* 13 *E.* 1. cap. 20. *De Pluſors Torts*, being 10 years after his deceaſe, and ſo could not be writ by him. But whoever was Author of it, he thus informs us of the Juriſdiction of the King and his Temporal Judges, over the Eccleſiaſtical Courts Encroachments in that age. *Prologue* f. 1. b. publiſhed in the Kings name: Nous voluns que noſtre Jurisdiction ſoit ſur touts Jurisdictions en noſtre Royalme. Cap. 20. *De Pluſors Torts*, f. 32, 33. Soit auſt enquis de Clerks que teinent plees de ley gent de autres choſes que Teſtament, et de Matrimoyne, ou de Diſmes, (which they had then encroached by their *Canons) ou que eyent juge aſcun lay home en Court Chriſtiene a aſcune compunction de argent, ou aſcun autre point que en le pointz avauntditz, (whereof Inteſtate Goods were none, of which they had then no Juriſdiction) ou que ount la quil a tort Ercomenge, et a tort fait prendre et empriſoner. Et auſt de ceux que ount autres graves per Bulles per double ſomonſe a un jour en diverſe lieues per malice; et toutz ceux ſoient punys par priſon, et par fyn. And Cap. 4. f. 11. *Si le Clerke encoupe de Felonie allege Clergye, & ſi ſoit tiel trone, & par Ordinarie demande, ſi ſoit enquis coment il eſt miſcreu. Et ſi il ſoit miſcreu, ſi ſoient les chateux taxes & ſes terres priſez en noſtre mayn*, et * ſon cors delivere al Ordinarie. Et ſi le Ordinarie le delivere hors de ſa priſon avaunt due acquitance ſolone purgation de Clers, ou ſi il le face ſi negligentement garder, qe il eſchape, ou ſi malicioſement le fait tener, que il ne poit a ſa purgation bener, et de ceo ſoit atteynte, en chelcun pointe ſoit le Ordinarie en noſtre mercye. *Et ſolonc ceo que le Ordinarie nous ſerra aſſavoir del acquitance de ceux Clers, lour ferrons nous faire reſtitution de lour biens, ſi ils ne eyent de fay noſtre pees.* Car nous volons qe ſaynte Egliſe eyt ſes franchiſes deſblemies, iſſint qe ele eyt conyſance a juger de pure Spiritualte de Teſtament, de Matrimoyne, de Baſtardy, de Bigamie, et de Felonie de ſes Clers, et en corrections de peches, ſauve qe les Ordinaries ne preignent null dener, ne la value des lays, ne de nuly dener facent jugement, fors que de Teſtament, et de Matrimoyne, et de pure Spiritualte, et de amendement de Cymiters, et de defaut de Egliſes, et de Mortuaries, et de Diſmes, en prejudice de nous. Et ſi null Ordinarie demande per luy ou per Procuratour tiel que tout eſt lays, ou bigams, ou de autre condition, que il ne doit la franchiſe del Clergie enjoyer, volons que toutz ſoient comaundes a la priſon, en ſoient punys par priſon. Et auſt ſoit de Procuratour qui ſe profere pur le Ordinarie ſauns garrant per letter. The later of which particulars, concerning Bigamy, Churchyards, Mortuaries, our Biſhops and Ordinaries had then newly encroached, uſurped to themſelves, by their own Canons and Conſtitutions, as you may clearly diſcern by Sir *Henry Spelmans Concilia, Decreta, Leges, Conſtitutiones in re Eccleſiarum Orbis Britannici*, Tom. 2. p. 133, 192, 203, 241, 299, 318, 365, 390, 391, 449, 453, 454.

Ar. 3 *E.* 1.

*See Spelman. Concil. Tom. 2. p. 237, 250, 316, to 320. 384, 391, &c.

* See 3 E. 1. c. 2. Here p 154, 155.

The Kings licenſe, upon the Dean and Chapter of *Herefords* petition, to elect a New Biſhop in the place of *John Breton* after his deceaſe, with his confirmation of their Election of *Thomas de Cantilupo*, and reſtitution of the Temporalties to him after his confirmation by the Archbiſhop of *Canterbury*, without the Popes approbation or privity, are thus recorded in the Patent Roll of 3 *E.* 1.

Pat. 3 E. 1. m. 23 intus. De licentia eligendi.

REX *dilectis ſibi in Chriſto Decano & Capitulo* Hereford. *ſalutem. Accedentes ad nos* Willielmus de Conſleys *Archidiaconus* Hereford. *&* *Magiſter* Lucas de Bree *Canonicus* Herefordenſis, *cum literis patentibus Capituli veſtri* nobis humiliter er parte veſtra ſupplicarunt, *Quod cum Eccleſia veſtra* Herefordenſis *paſtoris ſolatio, per mortem bonæ memoriæ* J. *nuper* Herefordenſis *Epiſcopi, ſit deſtituta*, alium vobis eligendi in Epiſcopum et paſtorem licentiam concedere dignaremur. Nos igitur precibus veſtris in hac parte annuentes, licentiam illam vobis et ipſis duximus concedendam: *Mandantes*, quatinus talem vobis aſſumatis in Epiſcopum, qui Deo devotus, regimini Eccleſiæ veſtræ neceſſarius, nobis et regno noſtro utilis et fidelis exiſtat. *In cujus*, &c. *Teſte Rege apud* Weſtm. 23 *die* Maii.

An. 3 *E.* 1. Ibid. De De assensu electioni.

REX Electioni nuper factæ *in Ecclesia* Herefordensi *de discreto viro Magistro* Thoma de Cantilupo *Canonico ejusdem Ecclesiæ*, Regium assensum adhibuit et favorem. *Et hoc significatum est venerabili patri* Cantuarensi *Archiepiscopo, ut quod suum est in hac parte exequatur. Teste Rege apud* Westm. 20 *die* Junii.

Pat. 3 E. 1. m. 19. De Temporalibus restituendis. * See Godwins Catalogue of Bishops, p. 376 377.

REX *Militibus, liberis hominibus, & omnibus aliis tenentibus de Episcopatu* Heref. *salutem. Cum venerabilis Pater* R. Cantuar. *Archiepiscopus electionem nuper factam in Ecclesia Cathedrali* Hereford. *de Magistro* Thoma de Cantilupo *Canonico ejusdem Ecclesiæ in* * *Episcopum loci prædicti*, cui prius Regium assensum adhibuimus et favorem, confirmaverit, *sicut per literas patentes ejusdem Archiepiscopi accepimus. Nos confirmationem illam acceptantes*, cepimus fidelitatem ipsius Electi, et temporalia Episcopatus prædicti, prout moris est, restituimus eidem. *Et ideo vobis mandamus, quod eidem* Thomæ tanquam Domino vestro et Electo loci prædicti in omnibus ad Episcopatum prædictum pertinentibus de cætero intendentes sitis et respondentes. *In cujus, &c. Teste Rege apud* Bernes *xxvi. die* Jun.

Et mandatum est Hugoni de Kendal, *Custodi Episcopatus prædicti, quod eidem Electo Temporalia Episcopatus prædicti restituat in forma prædicta. Teste ut supra.*

The King upon complaint of the Bishop of *Exon.* issued this Writ to preserve the rights, and to enquire of, and punish the encroachments upon the Bishop and Bishoprick by the Earl of *Cornwall.*

Pat. 3 E. 1. m. 19. dorso.

REX *dilectis & fidelibus suis* Henr. de Monteforti, & S. de Rossa, *salutem. Monstravit Nobis venerabilis pater* W. Exon. *Episcopus, quod cum ipse sit verus Patronus Abbaciæ de* Herthylannd, *& ipse & prædecessores sui Episcopi ejusdem loci in omnibus & singulis vacationibus ejusdem domus semper custodiam ejusdem Abbaciæ habere consueverunt, tanquam veri patroni ejusdem loci; Ac* Oliverus de Dinaunt *jam termino elapso dum prædictus Episcopus nobiscum in partibus* Vascon. *in servicio nostro, quo tempore eundem Episcopum, homines, terras, res, redditus, & omnes possessiones suas susceperamus* in protectionem et defensionem nostram specialem: & dum Officiales *& Ballivi ejusdem Episcopi per Ballivos Com.* Cornub. *occasione contentionis inter ipsos Episcopum & Comitem mota* detenti fuerant in prisona, custodiam Abbaciæ prædictæ super Episcopum prædictum occupabit, et bona domus illius acsi ad ipsum pertinuissent bi, et contra voluntatem Canonicorum et aliorum hominum ejusdem loci cepit, et consumpsit, et pecuniam non modicam per indebitas districtiones ab eis extorsit, ut per easdem extorcionem et occupationem patronatum ejusdem domus posset in futuris vacacionibus suis sibi et hæredibus suis attrahere, et seisinam inde vendicare, in prædicti Episcopi et Ecclesiæ suæ Exon. præjudicium, et exhæredacionem manifestam. Et *quia manifestè liquet*, quod prædicto Episcopo et Ecclesiæ suæ prædictæ poterit et hoc dispendium non modicum suboriri, nisi citius remedium ad hoc opponi faciamus; *Volentes quod partibus inde justicia celeriter fiat in hac parte, assignavimus vos* ad inquirendum per Sacramentum proborum et legalium hominum de Com. Devon. per quos rei veritas melius sciri poterit, veritatem præmissorum, et ad easdem transgressiones, tam de dicta occupatione quam de extorsionibus et dampnis prædictis audiend. et terminand. secundum Legem et consuetudinem Regni nostri. Et *ideo vobis mandamus, quod ad certos diem & locum quos ad hoc provideretis inquisitionem, &c. & easdem transgressiones, &c. audiatis, salvis, &c. Mandatum est Vicecomiti* Devon. *quod venire faciat, &c. ad certos, &c. tot & tales, &c. In cujus, &c. Teste Rege, &c.* iiij. *die* Novembris.

The King during the Vacation of Bishopricks, defended their rights against others suits and encroachments, and likewise paid pentions issuing out of their lands due to Hospitals and poor people by way of alms, as appears by this allowance to the Guardian of the Temporalties of the Archbishop of *Canterbury*, and sundry others of like nature in the *Liberate Rolls.*

Liberate An. 3 E. 1.

REX Baronibus suis de Scaccario salutem. Allocate Magistro *Ricardo* in exitibus Archiepiscopatus *Cantuar.* quadraginta marcas pro expensis suis quas

quas fecit in Itinere Justic. nostrorum apud *Cantuar.* pro Juribus prædicti Archiepiscopatus defendendis,& decem libras pro expensis suis quas fecit in Itinere Justic. nostrorum apud *Cycestr.* si hujusmodi pecunia aliis Custodibus tempore vacationis allocari consueverit pro hujusmodi expensis factis in Itineribus consimilibus. Allocate etiam prædicto Magistro *Ricardo* in exitibus prædictis sexaginta & decem solidos & decem denarios quos per præceptum nostrum liberavit Magistro Hospitalis de *Severbach* pro duobus annis & dimid. ad sustentationem ejusdem domus de elæmosyna constituta, nisi pecunia illa eidem Magistro *Ricardo* prius fuerit allocata. T. Rege apud *Kenyngton* x. die *Julii.* *An.* 3 *E.* 1.

The King by his Soveraign Ecclesiastical Jurisdiction, issued this Commission for the visiting of his free Chappel of *Hastings*, and placing a Dean therein.

REX dilecto fratri *Willielmo de Fauresham* salutem. De circumspectione & peri- Pat. 3 E. 1. m. cia vestra specialiter confidentes, vos in Domino deprecamur, quatinus hac in- 25. De visitastanti die Sabbati apud *Hastingei* personaliter accedentes, Capellam nostram beatæ cione in Ca-Mariæ loci ejusdem, tam in rebus quam in personis cum diligencia visitetis, corri- pella Regis de gentes corrigenda, ac reformantes quæ in eadem videritis reformanda. (without Hastinges faciany oath) Ad hæc aliquem virum providum & discretum de gremio ejusdem Ca- enda. pellæ loco Decani perficiatis, qui loco eidem præsit & prosit in rebus & personis, quousque aliud duxerimus ordinandum. T. Rege apud *Westm.* 7 die *Maii*, anno r. n. tercio.

Several Freers deserting their Houses and Orders; the King upon complaint by his Ecclesiastical prerogative issued these Writs for their apprehension, and delivering them over to those of their Order.

REX Vicecomitibus & omnibus aliis Ballivis & fidelibus suis, &c. salutem. Pat. 3 E. 1. m. Quia pro certo intelleximus quod aliqui de fratribus Sancti Augustini spreta 19. intus. De professione sua Ordinem prædictum egressi bagantur per plures Com. regni nostri fratribus vain dispendium animarum suarum, et prædicti Ordinis scandalum manifestum: Et gabundis. volumus ad ipsorum fratrum sic bagancium insolenciam reprimendam, fratribus prædicti Ordinis literas Capituli sui super hoc habentibus subbenire; *Vobis præcipimus*, quod fratres ejusdem Ordinis sic bagantes ubicumque inventi fuerint in Ballivis vestris sine dilacione arrestari, et fratribus dicti Ordinis liberari faciatis, secundum Regulam prædicti Ordinis castigandos. Talem diligenciam ad hoc apponentes quod eam merito commendare debeamus. In cujus, &c. per annum duraturas. Teste Rege apud *Westm.* xx. die *Junii.*

REX Vicecomitibus & omnibus aliis Ballivis & fidelibus suis, &c. salutem. Quia Pat. 3 E. 1. m. pro certo intelleximus quod aliqui de Fratribus Ordinis Sancti *Augustini* 36. intus. De spreta professione sua, Ordinem prædictum egressi, bagantur per plures Comitatus fratribus varegni nostri, in dispendium animarum suarum, et prædicti Ordinis scandalum ma- gantibus arrenifestum; Et volumus ad ipsorum fratrum sic bagancium insolenciam repraimen- stand. dam fratribus prædicti ordinis subbenire: Vobis præcipimus, quod fratres ejusdem Ordinis sic bagantes, ubicunque inventi fuerint in Ballivis vestris, sine dilacione arrestari, et fratribus dicti Ordinis liberari faciatis. Talem diligentiam ad hoc apponentes quod eam merito commendare debeamus. In cujus, &c. Teste Rege apud *Clyve* xxx. die *Novembris.*

What Jurisdidiction King *Edward* exercised in *Ireland* in the election of Bishops, what indulgences he granted to them out of special grace, what Ecclesiastical Dignities and Benefices he there conferred, and what persons he there advanced to Church dignities; as also what care he took to save and secure his prerogative by the graces he indulged to any of them this year; these Records will inform us.

REX Electioni nuper factæ in Ecclesia Cathedrali *Clovensi* de fratre *Alano* Pat 3 E. 1. m. *Clongam* de Ordine Minorum in ejusdem loci Episcopum, Regium assensum 3. De consenadhibuit et favorem: Et hoc significatum est Domino *A. Cassalen.* Archiepiscopo, su electioni ut quod suum est in hac parte exequatur. In cujus, &c. Teste Rege apud *Wyndes.* adhibito. xviii. die *Febr.*

Anno 3 *E.* 1.

De Temporalibus restituendis.

REX dilecto & fideli suo *Galfriáo de Genvill* Justic. *Hibern.* salutem. Cum electioni nuper factæ de fratre *Alano de Clungan* de Ordine Minorum in Episcom *Cloven.* Regium assensum adhibuerimus et favorem; Attendentes quod prædictus Electus circa hujusmodi perfectionem negocii sui diucius laboravit; & volentes ulteriοribus hujusmodi laboribus suis parcere in hac parte; Vobis mandamus, quod si contingat electionem prædictam canonice confirmari, tunc recepta ab ipso Electo nomine nostro fidelitate nobis in casu isto debita, Temporalia Episcopatus prædicti eidem liberetis; Receptis tamen prius literis patentibus sigilli Capituli *Clovensis* signatis, quod hæc gratia nostra quam eidem Electo ad præsens ex mera liberalitate concessimus, præterita tempοris in præjudicium vel exhæredacionem nostram ad consequenciam non trahatur. Teste Rege apud *Wyndes.* xxi. die *Febr.* Anno ejusdem Tercio.

Pat. 3 E. 1. m. 19.

REX dilecto & fideli suo *Galfrido de Genvill* Justic. suo *Hibern.* salutem. Cum electioni nuper factæ in Ecclesia Cathedralem de *Ros* de fratre *Petro O Hullean* Ordinis *Cisterciensis* in Episcopum loci prædicti, Regium assensum adhibuerimus et favorem. Nos attendentes quod prædictus Electus circa prosecutionem negocii electionis prædictæ diucius laboravit; et volentes suis laboribus et expensis parcere in hac parte; Vobis mandamus, quod si contingat Electum prædictum in Episcopum loci prædicti canonice confirmari, tunc recepta ab ipso Electo nomine nostro fidelitate nobis in casu isto debita, Temporalia Episcopatus prædicti eidem liberetis. Receptis tamen prius literis patentibus sigillo suo, necnon et sigillo Capituli de Ros signatis, quod hæc gratia nostra quam eidem Electo ad præsens ex nostra liberalitate mera concessimus, nobis vel hæredibus nostris non cedat in præjudicium vel exhæredacionem, seu trahatur in consuetudinem vel consequenciam temporibus futuris. In cujus, &c. T. Rege apud *Aylesbyr.* xxv. die *Marcii.*

Pat. 3 E. 1. m. 19 dorso.

REX dilectis & fidelibus suis *Bartho. de Suthleye*, & *Willielmo Hamelyn* salutem. Cum *Richardus de Wyncleslegh* Præcentor Ecclesiæ *Lechmen.* in *Hybern.* jam diu vacantis, quam in protectionem et defensionem nostram suscepimus, in veniendo in regnum nostrum *Angliæ* à partibus *Hyberniæ*, ad petendam a nobis licentiam sibi eligendi Episcopum, nuper transitum fecerit per villam *Philippi Marmiun de Thamworth*, ubi ipse detentus infirmitate moram traxit per tres menses & amplius, *Johannes* le Procuratour, *Nicholaus fitz Leden*, *Rob.* fil. *Rad. de Monte*, *Garinus le Normaunt*, & *Nicholaus* serviens *Willielmi le Tayllard* ex missione præfati *Philippi* exierunt castrum ipsius *Philippi de Thamworth* vi & armis, & duobus garcionibus ipsius *Nicholai* abstulerunt duos equos ejusdem *Ricardi*, qui audito rumore de prædatione illa, levavit clamorem & hutesium super eosdem deprædatores, & eos insecutus fuit à Comitatu *Staff.* usque Vic. *Warr.* ad castrum ipsius *Philippi*, ubi equi prædicti detinentur, & deprædatores prædicti receptantur, qui quidem deprædatores postmodum in prædictum *Richardum* insultum fecerunt, & ipsum verberaverunt, sanguinem traxerunt, & ipsum modis aliis malè tractaverunt, non solum ad ipsius *Richardi* grave dampnum, immo in nostri contemptum manifestum, ac contra pacem nostram et protectionem nostram suprædictam. Nos igitur ad hoc festinum remedium adhiberi cupientes, assignavimus vos ad inquirendum per Sacrament. &c. de Com. *Staff.* & *Warr.* minimè suspectorum, per quos, &c. Et ad plenam & celerem justiciam eidem *Richardo* inde faciendam, prout secundum legem & consuetudinem regni nostri fuerit faciendum. Assignavimus eciam vos ad attachiandum præfatum *Philippum* & alios per Vic. nostros locorum prædictorum. Ita quod habeant corpora eorum coram nobis à die Sancti *Johannis* Baptistæ in unum mensem ubicumque tunc fuerimus in *Anglia*, ad respondendum nobis de contemptu prædicto, & aliis quæ sibi objicere voluerimus in hac parte. Et ideo vobis mandamus, quod ad certos, &c. præmissa faciatis in forma prædicta. Et dictam Inquisitionem inde distinctè & apertè factam, nobis sub sigillis vestris & sigillis eorum per quos facta fuerit, qualem vos & ipsi warrantizare volueritis sine dilacione mittatis, & hoc breve. Mandavimus enim Vicecomitibus nostris Com. prædictorum quod ad certos, &c. venire faciant, &c. minimè suspectos per quos, &c. Et etiam quod attachient præfatum *Philippum* & alios, ita quod habeant corpora eorum coram nobis ad diem suprædictum prout

eis

eis ſcire facietis ex parte noſtra. In cujus, &c. Teſte Rege apud *Weſtm.* xxx. die *Junii.* *Anno* 3 *E.* I.

REX dilectis ſibi in Chriſto Decano & Capitulo *Imilac* ſalutem. Accedens ad nos *Laurencius Florens Walenſis*, Concanonicus veſter, cum literis patentibus ſigillo Capituli veſtri ſignatis, nobis ex parte veſtra humiliter ſupplicavit, quod cum Eccleſia veſtra per mortem *Matthæi* nuper Epiſcopi veſtri, paſtoris ſolacio ſit deſtituta, vobis alium eligendi in Epiſcopum et paſtorem licentiam concedere dignaremur. Nos igitur precibus veſtris in hac parte condeſcendentes, licenciam illam vobis duximus concedend. Mandantes, quod talem vobis eligatis in Epiſcopum et paſtorem, qui Deo devotus, Eccleſiæ veſtræ neceſſarius, nobiſque et Terræ noſtræ Hiberniæ utilis et fidelis exiſtat. In cujus, &c. Teſte Rege apud *Weſtm.* v. die *Maii.* Pat. 3 E. I. m. 26. De licentia eligendi.

REX Electioni nuper factæ in Eccleſia Cathedrali *Imelacenſi* de diſcreto viro fratre *David* Abbate de *Sancta Cruce* in *Imelacen.* Regium aſſenſum adhibuit et favorem. Et hoc ſignificavit Domino *Caſſalenſi*, ut quod ſuum eſt in hac parte exequatur. T. R. apud *Weſtm.* xxiv. die *Junii.* Pat. 3 E. I. m. 17. intus De aſſenſu electioni adhibito.

REX Militibus, liberis hominibus, & omnibus aliis de Epiſcopatu *Imelacen.* ſalutem. Cum venerabilis pater *David* Archiepiſcopus *Caſſalenſis* electionem nupet factam in Eccleſia Cathedrali de *Imelac.* de fratre *David* Abbate *Sanctæ Crucis* Ordinis *Ciſtercienſis* in Epiſcopum loci prædicti *Imelacenſis*, cui Regium aſſenſum prius adhibuimus et favorem confirmaverit, ſicut per literas patentes præfati Archiepiſcopi plenius accepimus. Nos confirmationem illam acceptantes, cepimus fidelitatem ejuſdem Electi, et temporalia Epiſcopatus prædicti (prout moris eſt) remino veſtro in omnibus quæ ad Epiſcopatum illum pertinent de cætero intendentes ſitis, et reſpondentes, ut prædictum eſt. In cujus, &c. T. R. apud *Bekel.* ii. die *Aug.* Pat. 3 E. I. m. 14. intus. De Temporalibus reſtitutis.

REX dilectis ſibi in Chriſto Archidiacono & Clero Eccleſiæ *Coverenſis* ſalutem. Accedens ad nos Magiſter *Adam de Slymbrigg* Procurator veſter, cum literis patentibus ſigillo Cleri Eccleſiæ veſtræ ſignatis nobis ex parte veſtra humiliter ſupplicavit, quod cum eadem Eccleſia per mortem R. nuper Epiſcopi ejuſdem loci paſtoris ſolacio ſit deſtituta, vobis alium eligendi in Epiſcopum licenciam concedere dignaremur. Nos igitur veſtris precibus in hac parte benignè condecedentes, licenciam illam vobis duximus concedendam. Mandantes quatinus talem vobis eligatis in Epiſcopum et paſtorem, qui Deo devotus, regimini Eccleſiæ veſtræ neceſſarius, nobiſque et terræ noſtræ Hiberniæ utilis et fidelis exiſtat. In cujus, &c. T. R. apud *Marleberg.* vii. die *Jan.* * *Coverenſi.* Pat. 3 E. I. m 34. De licencia eligendi.

REX Electioni nuper factæ in Eccleſia *Conerenſi* de Magiſtro *Petro de Dunath* in Epiſcopo ejuſdem loci, Regium aſſenſum adhibuit et favorem. Et hoc ſignificatum eſt Domino *N.* Archiepiſcopo *Armacano*, ut quod ſuum eſt exequatur in hac parte. T. R. apud *Wynd.* iv. die *Marcii.* De Temporalibus reſtituendis.

REX dedit & conceſſit dilecto Clerico ſuo *Willielmo de Salinis* Archidiaconatum *Dublin.* cum Præbenda eidem Archidiaconatu annexa, quem Magiſter *Willielmus de Northfeld* defunctus habuit in prædicta Eccleſia *Dublin.* vacantes, ac ad donationem Regis ſpectantes, ratione Archiepiſcopatus Dublin. vacantis, et in manu Regis exiſtentis. Et mandatum eſt Decano & Capitulo Sancti *Patricii Dublin.* quod eidem *Willo* ſtallum in Choro & locum in Capitulo, prout moris eſt, aſſignent. T. R. apud *Marleberg.* vi. die *Januar.* Pat. 3 E. I. m. 34. De Archidiaconatu dato.

REX dedit & conceſſit dilecto Clerico ſuo *Iter. Bochard* illam præbendam quam *Galfridus de Inſula* habuit in Eccleſia prædicta vacantem, & ad donationem Regis ſpectantem, ratione Archiepiſcopatus Dublin. vacantis, et in manu Regis exiſtentis. Et mandatum eſt Decano & Capitulo loci illius, quod eidem *Iter.* ſtallum Pat. 3 E. I. m. 36. De præbenda data.

An. 3 *E.* 1. lum in choro, & locum in Capitulo, prout moris est, assignent. Teste Rege apud *Clyve* iii. die *Dec.*

Pat 3 E. 1. m. 33. intus. De Vicaria conferenda.

REX dilecto Clerico suo *Thome de Cheddeworth* Cancellar. *Dublin.* salutem. Sciatis, quod dedimus vobis potestatem conferendi Vicariam Ecclesiæ de Domenathliac. in Archidiaconatu Dublin. vacantem, et ad donacionem nostram spectantem, ratione Archiepiscopatus Dublin. vacantis, et in manu nostra existentis, alicui Capellano idoneo, qui Ecclesiæ prædictæ deserviat, et in eadem residenciam faciat personalem. In cujus, &c. Teste Rege apud *Ambresbyr.* xv. die *Januarii.*

The Prior of the Hospital of St. *Johns* of *Hierusalem* in *Ireland*, being commanded by the King to repair into *Ireland* for its safety, and refusing to go, because commanded by his Superior to repair to him into the Holy Land; the King thereupon by his Soveraign authority enjoyned him notwithstanding to go into *Ireland*, under pain of seising and confiscating all the lands and goods belonging to that House, for his neglect and contempt therein.

Pat. 3 E. 1. m. 17. intus. De Terra Hibernie.

REX dilecto sibi in Christo fratri *Willielmo* fil. *Rogeri*, Domorum Hospitalis Sancti *Johannis Jerusalem* in *Hibern.* Priori, salutem. Quia pluries requisiti à nobis quod ad partes *Hibern.* pro nostra & totius terræ utilitate sine dilatione qualibet rediretis, prætendistis, quod cum essetis à religioso viro fratre *Hugone Revel* Magistro Domorum vestrarum in partibus Terræ Sanctæ superiore vestro vocati, quod ad eundem in Terra Sancta personaliter veniretis, cui Magistro nolebatis sicut nec debebatis promissam et debitam obedienciam violare, nostris non poteratis mandatis super hoc obedire. Quare nos considerantes incommoda quæ nobis & toti terræ *Hiberniæ* possent per vestram absenciam evenire; Vobis sub incurrimento omnium terrarum et tenement. quæ Domus vestra tenet in Hibernia, firmiter injungimus, quatinus remoto cujuslibet excusationis et dilacionis obstaculo, sicut domum vestram ab amissione tantorum bonorum et rerum conservare vultis indempnem, mandatum nostrum expressum superius compleatis. Alioquin ad captionem prædictorum prout nobis videbitur procedemus. Nos enim erga dictum Magistrum vestrum super mora vestra vos excusatos faciemus haberi. In cujus, &c. Teste Rege apud *Bernes*, xxvii. die *Jun.*

How much the Bishop of *Waterford* the Kings Treasurer of *Ireland*, was this year busied in improving the Kings lands there, and in secular affairs, instead of discharging his Spiritual office, and what pension he received; these Records will inform us.

Pat. 3 E. 1. m. 36. intus. Pro Episcopo Waterford.

REX Omnibus, &c. salutem. Sciatis quod concessimus venerabili patri *Stephano* Episcopo *Waterford.* Thesaurario nostro *Hyberniæ*, quadraginta libras singulis annis percipiendas a nobis ad Scaccarium nostrum Dublin. videlicet unam medietatem ad Scaccarium nostrum *Paschæ*, & aliam medietatem ad Scaccarium nostrum Sancti *Michaelis*, ad sustentationem suam quamdiu steterit in officio supradicto. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud *Clyve* xxvi. die *Novembris*, anno regni nostri Tertio.

Ibid. De Dominicis appruiandis. * Improved.

REX Venerabili in Christo Patri *S.* eadem gratia *Waterfordensi* Episcopo Thesaurario suo *Hibernie* salutem. Quia intelleximus quod Dominica nostra et terræ nostræ Hiberniæ per vestram circumspectionem et diligentiam plus solito *approuari poterunt ad opus nostrum. *Vobis mandamus*, quod Dominica nostra et terras nostras vobis propinquiores per consilium dilecti et fidelis nostri Galfridi de Genevill Justic. nostri Hiberniæ approuietis ad opus nostrum modis omnibus quibus poteritis, et nobis videbitis expedire; Aliasque terras nostras remociores aliis ad firmam seu ad campipartem vel alio modo committatis per consilium prædicti Justic. nostri. Ita quod per ipsos qui terras illas sic recipiat fideliter inde respondeatur ad Scaccarium nostrum *Dublinie.* Et ad hoc faciendum vobis quamdiu nobis placuerit damus potestatem. Mandantes quod taliter in hac parte vos habeatis, quod Dominica

nica et terræ noſtræ ibidem tempore veſtro per circumſpectionem et induſtriam veſtram magis ſolito appꝛuiari videantur ad opus noſtrum. In cujus rei teſtimonium has literas noſtras vobis mittimus patentes. Teſte meipſo apud *Clyve* xxvii. die *Novembris*, anno Regni noſtri Tercio. *An.* 3 *E.* 1.

REX Venerabili in Chriſto Patri *S. Waterford.* Epiſcopo ſalutem. Cum aſſignaverimus vos ad inquirendum ſuper quibuſdam tranſgreſſionibus & exceſſibus *Willielmi* filii *Warini* de tempore quo fuit Seneſcallus noſter *Ulton.* impoſitis, & ſuper quibuſdam aliis nos in partibus *Hiberniæ* tangentibus, damus vobis poteſtatem prædictum *Willielmum* interim à prædicta Balliva ſua amovendi, & alium loco ipſius ſubſtituendi ibidem, ſi videritis expedire. Et ideo vobis mandamus, quod præmiſſa diligenter faciatis in forma prædicta. In cujus, &c. Teſte ut ſupra. Pat. 3 E. 1. m. 30 De poteſtate data S. Waterford. Epiſcopo.

I finde this warrant in the *Liberate Roll* of this year, for paying this pention to the Kings Avocate in the Court of *Rome.*

REX Theſaur. & Camerariis ſuis ſalutem. Liberate de Theſauro noſtro Magiſtro *Angelo*, Advocato noſtro in Curia *Romana* Seꝛaginta Marcas, ſuper arreragia feodi ſui Quadꝛaginta Marcarum, quod de nobis percepit quouſque pꝛoviſum eſſet ei per nos in beneficio valoꝛis Quatervigintl Marcarum, & unde in partem conceſſionis noſtræ prædictæ ſatisfactum eſt ei in Eccleſiaſtico beneficio valoris Quadraginta Marcarum, quam pro arreragiis feodi ſui Quinquaginta Marcarum quod percipere conſuevit ad idem Scaccarium tempore Domini *H.* Regis patris noſtri. T. R. apud *Marleberg.* viii die *Jan.* Liberate, An. 3 E. 1. m. 11

I ſhall cloſe this year with this Writ, diſcovering the uſe, neceſſity, and Kings care to preſerve his Records, for the juſt defence of his Rights, Royalties both at home and abroad, eſpecially in controverſies and diſputes with *France*, and other Foreign Princes, which I found in the White Tower Chappel by it ſelf.

REX *Theſaurario & Camerariis Scaccarii ſui ſalutem. Quia ſuper omnibus proceſſibus inter nos & anteceſſores noſtres, & Miniſtros ſuos, & ſubditos ac noſtros ex una parte, &* Francorum *Reges, & ſuos ex altera, in Cur.* Franc. *& alibi, quondam & nuper inchoatis & adhuc pendentibus indeciſis* ſuper convencionibus incompletis et omni quæſtionis materia ex guerris, reſiſtenciis, et rebellionibus, exceſſibus, et inobedientiis, et ex aliis delictis quibuſcumque de novo hinc inde exoꝛtis, per Juriſperitos ex parte noſtra deputand. tam in partibus tranſmarinis quam ciſmarinis, in pꝛorimo habere volumus conſilia et tractatus. Et nonnulli ex dictis pꝛoceſſibus, et ex Bullis, Cartis, Literis, inſtrumentis, rotulis et memoꝛandis ad defenſionem juris noſtri in hujuſmodi pꝛoceſſibus, convencionibus et quæſtionis materia neceſſariis vel utilibus in veſtra, et Cuſtodis pꝛivati Sigilli noſtri, et aliorum Miniſtrorum noſtrorum cuſtodia London. et alibi exiſtunt, ut accepimus; vobis mandamus, quod omnes hujuſmodi Bullas, Cartas, Literas, inſtrumenta, rotulos et memoꝛanda in dicti Cuſtodis pꝛivati Sigilli noſtri, et aliorum quoꝛumcumque Miniſtrorum noſtrorum cuſtodia exiſtencia, ab ipſis per indenturas inter vos et ipſos inde conficiendas recipiatis, et ipſorum tranſcripta una cum pꝛoceſſibus in cuſtodia veſtra exiſtentibus, et Bullarum, Chartarum, inſtrumentoꝛum et memoꝛandoꝛum in cuſtodia veſtra exiſtencium, et dictos pꝛoceſſus, convenciones et quæſtionis materiam tangencium tranſcriptis, et ſpecialiter illis quæ ad Theſ. patris noſtri et ejus Conſilii oꝛdinacione cum dicto patre noſtro ad mutuas Regum viſiones pꝛo homagio faciendo, vel cum Pꝛocuratoꝛibus et Nunciis dicti patris noſtri ad Parliamenta Franc. pꝛo juris ſui defenſione in eiſdem poꝛtari ſolebant. Et etiam cum quibuſdam aliis quæ ad defenſionem juris noſtri valere poterunt in pꝛoceſſibus contra nos ſuper homagio Comitatus Armanaci, et ſuper pluribus aliis contentis in litera credenciæ nobis per Sen. Vaſcon. tranſmiſſa, nuper inchoatis per Clericos noſtros dictis negotiis intendentes, vobis plenius nominando. ad dicta conſilia et tractatus coꝛam nobis et Conſiliariis noſtris quocies opus fuerit, uſque ad finalem deciſionem pꝛoceſſuum pꝛædictoꝛum exhibend. per Clericos ſufficientes ad hujuſmodi pꝛoceſſuum et tranſcriptoꝛum cuſtodiam et infoꝛmationem Brev. 3 E. 1.

nem super bis, et prosecutionem pro eisdem personis et temporibus ac locis quibus decet faciend. portari et custodiri faciatis. Mandamus enim dicto Custodi privati Sigilli nostri, et aliis Ministris nostris quibuscumque hujusmodi Bullarum, Cartarum, Literarum, instrumentorum, rotulorum et memorandorum custodiam habentibus, quod ea vobis per indenturas faciant liberari quando per vos super bis fuerint requisiti. *Tesie meipso apud* Walingford 22 *die* Aprilis, *anno regni nostri tertio.*

An. 4 *E.* 1.

* Mat Westm. & Th. Walsingham, An. 1276. Platina, Onuphrius, Balæus, and others in his Life.

* *Peter Hispan* being elected Pope *An.* 1276. (4 E. 1.) after the death of *Adrian* the 5. and stiled Pope *John* the 21. in the very first year of his Papacy, sent this Bull to King *Edward* the 1. (the Original whereof I found in the White Tower Chappel) to demand the arrears of the annual rent of 1000 Marks, for 7 years last past, and that present year, (as his predecessor Pope *Gregory* the 10. had done.)

JOHANNES *Episcopus servus servorum Dei, Carissimo in Christo filio Regi* Angliæ *illustri, salutem & Apostolicam benedictionem.* Cum censum Ecclesiæ Romanæ a te annis singulis debitum, pro septem annis jam præteritis, et pro anno præsenti complendo in festo beati Michaelis Archangeli mense Septembris proximo venturo, octo millia marcarum sterlingorum solvere tenearis: Serenitatem Regiam requirimus et rogamus, quatinus hujusmodi pecuniam pro dictis septem annis præteritis, et anno præsenti, videlicet, tria millia marcarum infra mensem post receptionem præsentium, et totidem in festo beati Johannis Baptistæ proximo futuro, et duo millia in prædicto festo beati Michaelis, dilecto filio Magistro Gifredo de Vecano Clerico Cameræ nostræ, et Nuncio nostro in Anglia, nomine nostro et Ecclesiæ Romanæ persolvas. Nos enim eidem Magistro Gifredo liberandi et absolvendi te ab hujusmodi debito, et faciendi tibi pro nobis et Ecclesia prædicta refutationem et adquietationem plenariam de bis quæ a te receperit, prout de jure fuerit plenam tribuimus tenore præsentium potestatem. *Dat.* Viterbii 15 *Kal.* Januarii, *Pontificatus nostri anno primo.*

I find no answer to this Bull, nor was there any payment of these arrears then made unto him, as appears by * Pope *Martins* subsequent Bull and demand of these arrears, for that they were not satisfied.

* See Tom. 2. p. 312, 313.

About the same time, *Anno* 1276. this Pope *John* granted two new Priviledges to the Monks of St. *Augustines Canterbury*, (whose * Abbot *Nicholas Anno* 1274. *adivit generale Concilium* Lugduni in expensis 200 libr*arum*) *per hac verba.*

* Chron. Wil. Thorne, col. 1921, 1923, 1924.

Johannes *Episcopus*; & infra. *Auctoritate vobis præsentium indulgemus, ut in illis parochiis in quibus habetis & juste percipitis majores ac veteres, novalium quoq; decimas de quibus aliquis hactenus non percepit, pro ea portione quæ veteres vos contingunt juxta constitutionem & declarationem felicis recordationis* Alexandri *Papæ prædecessoris nostri super hoc editas, libere percipere valeatis sine juris præjudicio alieni.*

Item idem *Johannes. Auctoritate vobis præsentium indulgemus, ut possessiones & alia bona mobilia & immobilia quæ personis liberis fratrum vestrorum ad Monasterium vestrum è seculo fugientium & professionem facientium in eodem, si remansissent in seculo ratione successionis vel alio justo titulo contigissent, & ipsi liberè potuissent aliis elargiri, seu talibus duxtaxat exceptis, petere, percipere ac retinere liberè valeatis sine juris præjudicio alieni.*

This year some Ecclesiastical Judges holding, and others prosecuting suits in Courts Christian for Advousons, Debts and Chattels, whereof they had no Jurisdiction, against the Kings Prohibitions, I find these Suits and Attachments prosecuted against them for it in the Plea Rolls of *Hill.* 4 *Ed.* 1.

Plac. de Term. Hill. An. 4 E. 1. m. 4. Norff.

Gilbertus de Tichewell *optulit se* 4. *die versus Magistrum* Alanum de Freston *Archidiaconum* Norff. *& Magistrum* Willielmum de la Hide, *de placito Prohibitionis*, &c. *Et ipsi non ven. Et præceptum fuit Vicecomiti, quod attach. eos, quod sint hic à die* Paschæ *in tres septimanas. Et Vic. sit auditurus judicium*, &c. *Adhuc de Octabis* Sancti Hilarii.

m. 16. Leic.

Magister domus Sancti Lizarii de Burton *optulit se* 4. *die versus* Simonem *Personam Ecclesiæ de* Norton, *de placito* quare secutus est placitum in Curia Christianitatis de advocatione quartæ partis Ecclesiæ de Galliby, contra Prohibitionem, &c. *ad hunc*

hunc diem. Et Epiſcopus nihil inde fecit. Ideo præceptum eſt Vicecomiti, quod attach. prædictum Epiſcopum, quod ſit in Octabis Sanctæ Trinitatis. *Et ibi habeat*, &c. An. 4 E. 1.

Rogerus de Glantham, & Agn. *uxor ejus, per Attornatum ſuum optulit ſe* 4. *die verſus* Richardum *Epiſcopum* Linc. *de placito, quod*, &c. *& hic haberet* Petrum de Wiſeheth, *& Magiſtrum* Willielmum de Cotes *Clericos ſuos, ad reſpondendum* Agn. & Rogero *de placito*, quare proſecuti ſunt placitum in Curia Chriſtianitatis de Catallis et Debitis, quæ non ſunt de Teſtamento vel Matrimonio, contra Prohibitionem, &c. *Et ipſi non ven. Et præceptum fuit Vicecom. quod diſtringat eum*, &c. *Et Vicecomes mandavit, quod diſtrictus eſt per triginta boves, & per bladum ad valentiam* 12 *marcarum. Et nichilominus* Theobaldus le Meſſer *de* Haldingham, & Robertus Joppe *de eadem, &* Johannes le Bedel *man. eum. Ideo ipſi in miſericordia. Et ſicut prius præceptum eſt Vicecom. quod diſtringat eum per omnes terras*, &c. *Et quod habeat corpus eorum & ſimiliter prædictos exitus in Octabis* Sanctæ Trinitatis. *Et unde Vic. mand.* Ibid. Lincoln.

The King this year by his Soveraign Eccleſiaſtical Prerogative, to prevent the ruine of the Abby of *Rading*, iſſued theſe Patents of Protection, and regulation of the expenſes of it, and of the Cell belonging to it, founded by his Anceſtors, committing its Revenues to certain perſons to defray the Debts thereof.

REX Omnibus, &c. ſalutem. Quia **piam intentionem** quam progenitores noſtri Reges *Angl.* in fundatione Domus & Monaſterii de *Radinges*, quæ ab eiſdem Regibus immediatè noſcuntur eſſe fundata, **diligenter in animo revolbamus, eiuſdem Domus imminentis deſtructionis periculo tenemur celeri ſubvenire remedio, ne dictorum progenitorum in hac parte fraudetur intencio**, & ut ipſorum non ſolum pro eo quod ipſa Domus pro ipſis & nobis noſtriſque ſucceſſoribus fundata extitit, verum etiam tanquam novæ fundacionis ſeu relevacionis Domus ipſius auctores atque participes fieri debeamus. Cum itaque Domus ipſa ſit in multis ſummis pecuniæ nonnullis creditoribus obligata, ad quas ſolvend. abſque diſtractione rerum & bonorum ſuorum non ſufficit, **niſi ipſius et membrorum ſuorum ad tempus erpenſæ ſuperfluæ reſecentur.** Nos ejuſdem Domus compacientes ſtatui, & in eadem & membris Deo ſerviencium exoneracioni providere volentes, Domum ſeu * Cellam de *Leminiſtre Hereford.* Dioc. ad Monaſterium prædictum de *Radinges* pleno jure ſpectantem, **cepimus in manum noſtram et in defenſionem noſtram**, veluti ad patronum pertinet ejuſdem, ac omnium rerum & pertinenciarum ſuarum cuſtodiam in temporalibus dilecto nobis *Rolando de Herlegh* Militi, committentes, ac injungentes eidem, **quod fructus, reddit⁹ et proventus Domus prædictæ fideliter colligens et conſervans**, Decano & Capellanis in eadem Deo famulantibus neceſſaria in victu & veſtitu competenter inveniat, ac pauperibus mendicantibus, ſecundum quod Cartæ prædictorum fundatorum requirunt ibidem eleemoſynas eroget intuitu caritatis. **Volumus autem quod reſecatis ſuperfluis tam in familia quam in erpenſis aliis, et potiſſime in ſuperbenientibus jurta** * **ſtatuti noſtri tenorem, reſiduum reddituum et proventuum præfatæ Domus per ipſum proviſum Abbatis et Priorꝭ de** Radinges, **et aliorum quos ad hoc deputandos duximus, in croneracionem Domus ipſius, et non in alios uſus convertatur.** Ip cujus, &c. Teſte Rege apud *Gillingham* 26 die *Decembris.* Pat. 4 E. 1. m. 34.

* Ibid. m. 34. intus. De Cella de Leminiſtre capta in manum Regis.

* 3 E. 1 c. 1.

REX Omnibus, &c. ſalutem. Licet de conſenſu dilectorum nobis in Chriſto Abbatis & Conventus de *Radinges*, Domum ſeu Cellam de *Leminiſtre Hereford.* Dioc. ad ipſum Abbatem & Conventum pleno jure ſpectantem pro exoneracione Domus de *Radinges* quæ multis eſt debitis onerata in manum noſtram ceperimus ipſius cuſtodiam dilecto nobis *Rolando de Herlegh* Militi, in Temporalibus committendo. Nos nolentes quod hujuſmodi captio in manam noſtram poſſit dictis Abbati & Conventui vel eorum ſucceſſoribus in poſterum facere aliquod nocumentum, vel nobis aut hæredibus noſtris capiendi in manum noſtram vel hæredum noſtrorum **ipſam Domum vel aliquam aliam Domorum ipſorum Abbatis et Conventus ius aliquod tribuere**; volumus & concedimus, quod Abbas de *Radinges* qui pro tempore fuerit dicta Domo liberata vel non liberata, poſſit dictam cuſtodem amovere omninoque ſuæ libito voluntatis, & de ipſa Domo prout prius Pat. 4 E. 1. m. 34 intus. Pro Abbate & Conventu de Radinges.

An. 4 *E.* 1. poterat ordinare absque nostri vel hæredum nostrorum reclamatione aliqua facienda. In cujus, &c. Teste ut supra.

The King likewise granted this Patent of Protection to the Abbot and Covent of *Ryvall.*

Pat. 4 E. 1. m. 16 intus. Pro Abbate & Conventu de Ryvall.

REX Omnibus Ballivis, &c. salutem. Cum dilecti nobis in Christo Abbas & Conventus de *Ryvall.* Mercatoribus & aliis Creditoribus suis diversis in multimodis debitis & immensis teneantur, ad quorum solutionem facultates Domus prædictæ per magnum temporis spacium sufficere non possent absque dispersione Monachorum & Fratrum Domus illius, vel feodalium suorum dilapidacione, seu fortè Domus ejusdem subversione totali, **quod nolicmus:** Nos imbecillitati status ipsorum compacientes, ne hujusmodi discriminis aut depressionis periculum ipsis videatur imminere, Domum illam cum terris, redditibus, & omnibus possessionibus ac rebus aliis ad eandem Domum pertinentibus, **cepimus in protectionem et defensionem nostram specialem, &c.** as in the forecited Protections to other Houses. *In cujus, &c. Teste Rege apud* Estwod, 13 *die* Julii. The like Protection and Commission issued for the Abbot of *Luntony* in *Wales*, m. 5. *Teste Rege apud* Westm. 28 *die* Novembris.

The King out of his Royal care to defend Christians, and Christian Religion, against the invasions of the Saracens, issued this Commission to the Mayor and Citizens of *Baion*, to assist the King of *Castell* with their Ships.

Pat. 4 E. 1. m. 34 intus. Pro Rege Castell.

REX dilectis & fidelibus suis Majori & Civibus suis *Baion.* salutem. Quia intelleximus quod Saraceni se præparant ad veniendum hostiliter cum magno exercitu in terram karissimi fororii nostri Regis *Castellæ* illustris, **non solum in dampnum ipsius Regis, verumetiam in Christianitatis et aliorum Christianorum parcium illarum grave perculum et confusionem manifestam**; vobis mandamus, quod ad requisitionem ipsius Regis, & suorum sumptibus suis sitis eidem Regi **in auxilium et consilium Navigio vestro**, & aliis, quibus melius sciveritis & poteritis ad resistendum per mare Saracenis prædictis, ne terram dicti Regis, **aut aliorum Christianorum**, cum hujusmodi exercitu ingrediantur. Tantum inde facientes, **quod a Deo promereri, et a nobis grates reportare possitis speciales.** In cujus, &c. Teste Rege apud *Caneford*, 7 die *Jan.*

The King likewise by his Royal authority, and special grace, ratified all the Lands and Priviledges of the Bishop of St. *Asaph* in *Wales*, by this Patent.

Pat. 4 E. 1. m. 34. intus. Pro Amano Asaph. Episcopo.

REX Omnibus, &c. salutem. Volentes venerabili Patri *Amano* Episcopo de Sancto *Asapho*, optentu dilectionis quam penes personam suam gerimus, **graciam facere specialem**, concessimus pro nobis & hæredibus nostris, quantum in nobis est eidem Episcopo & successoribus suis, & Ecclesiæ suæ de Sancto *Asapho*, **quod ipsi de cætero eisdem juribus, libertatibus, possessionibus et consuetudinibus diu obtentis utantur et gaudeant pacifice et quiete quibus idem Episcopus et prædecessores sui Episcopi ejusdem loci usi et gavisi fuerant, melius tempore bonæ memoriæ Domini** Henrici **Regis patris nostri.** In cujus, &c. Teste Rege apud *Wynton.* 20 die *Jan.*

He likewise issued these several Writs to the Sheriffs and Bayliffs of Liberties in *Derbyshire* and other Counties, for levying the Disms granted him by the Pope from the Spiritualty, which some Religious persons and Clerks refused to pay, for which they were excommunicated by the Popes authority, and Collectors.

Iterum, m. 30. intus. De Decima levand.

REX Vic. *Derby*, & omnibus Ballivis Hundredorum & Libertatum infra dictum Com. existentibus salutem. **Cum nonnulli Religiosi et Clerici Decimam tam Spiritualium quam Temporalium nobis a sede Apostolica ad duos annos concessam detineant, et arreragia ejus solvere contradicant, propter quod executores ad ipsam Decimam colligendam deputati ipsos excommunicationis sententia authoritate Apostolica innodarunt.** Nos eorum induratam maliciam reprimere volentes, Vobis

bis præcipimus firmiter injungentes, quod prædictam Decimam et ejus arreragia a prædictis detentoribus seu contemptoribus, vel eorundem beneficiis et bonis in Walliba vestra celeriter levari facietis, quandocumque à dilecto nostro *Gilberto de Sutton.* Clerico, quem ad Decimam colligendam deputavimus, fueritis requisiti. Et hoc nullatenus omittatis. In cujus, &c. Teste Rege apud *La Bruere Templo* ix. die *Marcii.* *An.* 4 E. 1.

Consimiles literæ diriguntur *R. Dunelm.* Episcopo, & Justic. *Cestr.*

Consimiles literæ diriguntur Vicecomitibus *Northumbr. Cumbr. Eborum, Sallop.* & *Staff.* & omnibus Ballivis, Hundredorum & Libertatum infra.

REX *Universis Vicecomitibus suis per Regnum* Angliæ *constitutis, salutem. Dum ad mentem reducimus & memoriter recensemus quantis sit subjecta periculis* Terra Sancta, *quamque & humanum existat in tantæ necessitatis articulo subvenire eidem, grandis compassio in utero cordis nostri suboritur & vehementer inducimur ejus prout possumus obviare discriminibus & commoda promovere.* Sane cum nonnulli Abbates, Priores, Religiosi et Clerici Decimam bonorum suorum, tam Spiritualium quam Temporalium nuper ad sex annos Terræ sanctæ Subsidio in Generali Concilio deputatam, pro duobus annis prædictis retinent, et arreragia eius solvere contradicunt, propter quod Executores ad ipsam Decimam colligendam in Civitatibus et Diocesibus constituti, in ipsos excommunicationis sententiam latam in eodem Concilio, et suam auctoritate Apostolica sibi concessa tulerunt, et etiam promulgarunt. Nos eorum induratam contumaciam & maliciam reprimere cupientes; Vobis præcipimus firmiter injungentes, quod prædictam Decimam et ejusdem arreragia a prædictis detentoribus seu contemptoribus, vel eorundem beneficiis et bonis levari, et ejusdem Decimæ Collectoribus persolvi celeriter faciatis, quandocunque a Venerab. patre G. Verdun Episcopo seu ipsius Collectoribus fueritis requisiti. Et hoc nullatenus omittatis. *Teste Rege apud* Westm. *xxiiii. die* Julii. *Et sunt sex literæ omnibus Vicecomitibus ut supra directæ de eadem forma.* Pat 4 E. 1. m. 13. De Decima levanda.

The Nobles, Commons, Prelates and Clergy having granted the King a Quindism out of their Liberality, to discharge his Debts contracted in the Holy Land; the King granted this Patent to the Archbishop and his Suffragans, that this grant out of their *free grace* should not be drawn into custom or example.

REX *Omnibus, &c. salutem.* Licet Comites, Barones, ac alii Magnates et Communitas Regni nostri, Quintamdecimam omnium bonorum suorum, et etiam Venerabilis pater R. Cantuar. Archiepiscopi et sui Suffraganei, propter urgentia negocia nostra Subsidium de bonis suis nobis sponte et graciose concesserint, Nos per has literas nostras protestamur, beneficium hujusmodi ex sola ipsius Archiepiscopi et Suffraganeorum suorum liberali gratia, et non nomine Quintædecimæ processisse, nec illud a nobis vel hæredibus nostris occasione vel exemplo tali in debitum vel consuetudinem trahi posse. In cujus, &c. Teste Rege apud *Westm.* primo die *Novembris.* Et duplicantur. Pat. 4 E. 1. m. 6. intus. Pro R Cantuar. Archiepiscopo

He likewise issued this Patent and direction for levying it.

REX *Abbatibus, Prioribus, Baronibus, Militibus, liberis hominibus, & omnibus aliis tenentibus de Honore de* Bergaveny *salutem.* Cum Archiepiscopi, Episcopi, Abbates, Priores, Barones, Milites, et omnes alii de Regno nostro Quintamdecimam de bonis suis, quibusdam tamen exceptis, nobis liberaliter concesserunt et benigne, ad exoneracionem debitorum in quibus diversis Mercatoribus de tempore quo moram in Terra Sancta fecimus obligamur; *Nos de affectione & dilectione quas erga nos credimus vos habere, gerentes fiduciam pleniorem, vos affectuosè requirimus & rogamus, quatinus Statum nostrum quoad premissa plenius intuentes,* Quintamdecimam de bonis vestris, juxta formam quam dilecti et fideles nostri Grimbaldus Pannecefot, & *Magister* Henr. de Bray, quos ad Quintamdecim in partibus vestris colligendam deputabimus, vobis ex parte nostra exponent, nobis favorabiliter concedatis; *Ita quod à nobis ex hoc grates favorabilius reportare debeatis temporibus opportunis. Et predictis* Grimbaldo & Henr. *in premissis intendentes fiatis & respondentes. In cujus, &c. Teste Rege apud* Turrim London. *xxiiii. die* Novembris. Pat. 4 E. 1. m. 36. intus. De Quintadecima de Honore de Bergeveny.

An. 4 *E.* 1. The General Proctor of St. *Edmunds* and Abbot *Pontiniac.* complaining of divers falſe Proctors, who fraudulently collected monyes in their names and converted them to their own private uſes; iſſued this Commiſſion for their apprehenſion, examination, and puniſhment.

Pat. 4 E. 1. m. 16. De Generali Procuratore beati Edmundi, ac Abbatis & Conventus Pontin.

REX omnibus Vicecomitibus & Ballivis, ac cateris fidelibus ſuis ad quos, &c. ſalutem. Ex gravi querela fratris Hugonis *Generalis Procuratoris beati* Edmundi, *ac Abbatis & Conventus* Pontiniacenſis Antiſiodorenſis *Dioceſis, nuper ad partes* Angliæ *accedentis accepimus, quod quidam propriæ honeſtatis immemores ſub nomine beati* Edmundi *in dicto Monaſterio quieſcentis, per diverſas partes* Angliæ *diſcurrentes, & ſe Procuratores dictæ Domus falsò confingentes*, pecuniam et alia bona nomine præfati Sancti petunt et recipiunt a diverſis, et ea non in uſus, nec ad opus feretri jam dicti Sancti, ſet in uſus propprios illicite et inhoneſte convertunt, in dictæ Domus et fratrum fraudem, et dampnum non modicum, ac dicti Sancti bituperium et ſcandalum manifeſtum; *Volentes autem maliciis & inſolenciis hujuſmodi modis quibus convenit obviare, vobis mandamus firmiter injungentes, quod ubicunque tales inveneritis in Ballivis veſtris teſtimoniales dicti Procuratoris non habentes*, ipſos arreſtari et detineri faciatis, *donec de ſtatu & converſacione ipſorum nobis aut Procuratori prædicto conſteterit evidenter; proviſo*, quod pecuniam ac alia bona apud eos inventa, vel penes alios nomine ſuo depoſita, Procuratori prædicto, vel ejus certo nuncio, literas ſuas ſuper hoc exhibenti totaliter aſſignentur. *Eſi qui forſitan literas Regias datam præſentium præcedentes ſuper recommendatione vel admiſſione ipſorum ad hujuſmodi eleemoſinas colligendas prædicti Procuratoris teſtimonium legitimum non habentes, exhibeant*, eiſdem literis de cætero minime pareatis. Ipſum vero Procuratorem H. et ab eodem ſubſtitutos protegatis et protegi, ac præfati Sancti negocium promoveri efficeciter faciatis. *In cujus, &c. per biennium duraturas. Teſte Rege apud* Cantuar. *viii. die* Julii.

The King iſſued this Writ on behalf of the Abbot of *Belleiu* on the New Statute of *Weſtm.* 1. *ch.* 1. made but the year before, for the eaſe and benefit of Religious Houſes.

Pat. 4 E. 1. m. 14. Pro Abbate de Bello loco Regis.

REX, Omnibus ad quos, &c. ſalutem. Cum in primo Generali Parliamento noſtro *poſt Coronationem noſtram in Craſtino* Octabis Paſchæ *anno Regni noſtri tertio, de voluntate noſtra, & conſiliariorum noſtrorum conſilio, & Communitate Regni noſtri ibidem convocatorum conſenſu*, ad honorem Dei, et utilitatem Eccleſiæ ſuæ ſanctæ, et meliorationem dicti Regni noſtri, ordinaverimus et ſtatuerimus, quod nullus veniat manducare, hoſpitari, vel jacere in domo Religionis quæ non ſit de ſua advocatione, ad cuſtos domus, niſi prius rogatus fuerit & requiſitus à Domino domus, præter Vicecomites, qui venire poterunt cum quinque vel ſex equis tantùm; Ita tamen, quod non gravent Religioſos ſuis crebris adventibus vel pernoctacionibus in domibus vel maneriis eorundem: Et quod nullus ad ſuos proprios Cuſtus domum aliquam Religioſorum intret aut jacere veniat, contra voluntatem Cuſtodum domus; & quod nullus magnus, vel parvus, colore parentelæ vel ſpiritualitatis aut alicujus affinitatis, ſeu aliqua hujuſmodi occaſione in parco currat alieno, nec piſcetur in alterius vivario, nec manducet, neque hoſpitetur in domo aut manerio prælati, vel alicujus alterius, contra voluntatem vel conſenſum aut licenciam Domini vel Ballivi ſui, neque ad cuſtagia Domini loci, neque ad propria, & quod ſi fortè intraverit cum conſenſu Domini, vel ſine conſenſu ipſius Domini vel Ballivi, nullam ſerruram, hoſtium, feneſtram, aut alicujuſmodi firmaturam faciat frangere vel aperire vel per ſe vel per alium, nec aliquid victualium, aut alterius rei ibi capiat colore empcioniis vel aliter, nec faciat triturare, nec capiat de victualibus aut aliis bonis alicujus Prælati, perſonæ, vel alterius Clerici ſive Laici, colore empcionis vel aliter, contra bonam voluntatem & licenciam illius cujus fuerit res, vel Cuſtodis ipſius rei infra villam mercati vel extra; Et quod nullus capiat equos, boves, carros, carrectas, naves, ſeu batellos ad aliquid cariandum vel aliud faciendum, ſine bona voluntate ipſius cujus res fuerit, & tunc ei ſtatim ſatisfaciat ſecundum convencionem habitam inter eos; Et quod illi qui voluerint contra prædicta Statuta venire vel facere, & inde convicti fuerint, adjudicentur priſonæ noſtræ, & inde ſecundum quantitatem

titatem transgressionis, & secundum quod nos & Curia nostra viderimus bonum esse; & quod si illi quibus transgressio facta fuerit sequi voluerint pro dampnis sibi factis, adjudicentur & retornentur in duplo; & quod nullus de cætero malum faciat vel gravamen alicui personæ Sanctæ Ecclesiæ, aut alicui alteri eâ occasione quod prandium vel hospicium ei fuerit denegatum, aut eo quod aliquis in Cur. est conquestus de hoc quod gravatus fuit de re aliqua supradicta, & quod si aliquis super hoc convictus fuerit pœnam in ipsis Statutis nostris hujusmodi transgressionibus provisam sustineat, & quod articuli antedicti adeo benè ligent nostros Consiliarios, Justic. de Forestis, & alios Justic nostros & forestar, sicut & alios universos; & ut articuli antedicti manuteneantur & observentur, quod nullus Prælatus, Religiosus, Abbas vel Ballivus, vel aliquis eorum, aut aliquis alius super gravem forisfacturam nostram aliquem hominem recipiat contra formam antedictam. Cum eciam prohibuerimus, ne aliquis mittat ad Manerium vel Domum Religionis homines, equos & canes, vel aves ad perhendinandum, & quod nullus eos si forte mittantur retineat, & quod quicumque hoc fecerit, quia hoc est contra defensionem & præceptum nostrum, graviter puniantur. Præcipimus insuper postmodum, quod nullus Religiosus nec alius pro debito Regio, nec alterius per animalia quæ terram suam excolunt, nec per oves suas distringatur, dum districtio alterius rei sufficiens debito vel demandæ possit inveniri, excepto inparcamento animalium quando ea in dampno alieno contigerit inveniri, secundum consuetudinem & legem terræ; & quod districtiones minime sint superfluæ set secundum bonum valorem per æstimacionem rationabiles ad quantitatem debiti vel demandæ; *Et Domus* Belli loci Regis Cisterciensis *Ordinis in* Suthampton. *à nostris Progenitoribus sit fundata, propter quod eandem specialius tenemur diligere, & volumus tanquam res nostras proprias custodire, vobis inhibemus*, ne contra tenorem dictorum Statutorum nostrorum eandem Domum molestetis in aliquo indebite vel gravetis. Nolumus autem quod Abbates dicti loci qui pro tempore fuerint contra tenorem eorundem Statutorum in aliquo venire præsumant. *In cujus, &c. Teste Rege apud* Westm. *xxiiii. die* Julii. *An.* 4 E. 1.

The like Writ *verbatim* issued this year for the Abbot of *Bildewas*, *m.* 9. (*mutatis mutandis*) *Teste Rege apud* Bristol, 23. *die* Septembris. The like Writ by way of Inquisition (upon complaint) issued for the Brethren of St. *Thomas* Hospital in *Southwarke*, *num.* 19.

REX *dilectis & fidelibus suis* J. de Lovetot, & El. de Beking *salutem. Ex parte fratrum Hospitalis Sancti* Thomæ de Suthwerke *nobis est ostensum*, quod cum nuper ad meliorationem status Ecclesiæ Sanctæ, et virorum Religiosorum tranquillitatem in regno nostro. Ac insuper pro conservacione et continuacione elæmosinarum quæ in domibus Religiosorum hujusmodi fieri solent, de consilio nostrorum providerimus et firmiter observari statuerimus, ne qui ad domos seu loca alia Religiosorum in Regno nostro prædicto ad hospitandum in eisdem, seu bona aut victualia ipsorum Religiosorum capienda venire præsumerent, nisi per præfatos Religiosos ad hoc essent requisiti, *Radulphus le Aumoner*, *Rogerus de Hecweld*, *Robertus le Ken*, *Nichus de Heesend*, *Johes le Clerk*, *Nichus le Chapeleyn*, & plures alii advocantes se per Venerabilem patrem *N. Winton.* Episcopum, *& asserentes custodiam ejusdem Hospitalis ad eundem Episcopum pertinere, cum ad ipsum non pertineat, Hospitale præditum quod ex pia largicione elemosinarum fidelium ad sustentationem fratrum & pauperum Christi infirmarum, & ad imbecillitatem vergencium ibidem undique confluencium fundatum est, prater licentiam fratrum prædictorum ingressi possessiones, victualia, & alia bona prædicti Hospitalis pro voluntate sua dissiparunt, distraxerunt, & consumpserunt, ad subtractionem elemosinæ ejusdem Hospitalis, & sustentacionis pauperum, infirmancium, & imbecillium prædictorum, & status dicti Hospitalis subversionem. Ita quod bona dicti Hospitalis ad sustentationem fratrum prædictorum non sufficiunt, in ipsorum fratrum præjudicium & distendium non modicum & gravamen, & contra Statutum supradictum. Quia verò fratres prædicti parati sunt in Curia nostra sufficienter docere, quod ipsi cedentibus vel decedentibus Magistris seu Custodibus prædicti Hospitalis liberam electionem alium sibi eligendi Magistrum seu Custodem habere debent, & liberam hujusmodi electionem temporibus retroactis hactenus habuerunt.* Nos depressioni status Hospitalis et fratrum prædictorum pie compacientes, Pat. 4 E. 1. m. 3. dorso.

An. 4 E. 1. entes, et eis in suis Juribus et libertatibus, prout justum fuerit, et Regiam decet Majestatem subvenire *volentes in hac parte, assignavimus vos Justic. nostros, unà cum hiis quos vobis associaveritis, ad querelas fratrum prædictorum super præmissis audiend. & terminand. & ad inquirendum per Sacramentum, &c. de Com.* Surr. *per quos, &c. si necesse fuerit super eisdem plenius veritatem, & ad justiciam inde faciendam secundum legem & consuetudinem regni nostri. Et ideo vobis mandamus, quod vocatis partibus prædictis coram vobis ad certum diem & locum quos ad hoc provideritis, querelas prædictas audiatis & terminetis, & dictis partibus in eisdem plenam & celerem justiciam secundum legem & consuetudinem prædictam fieri faciatis, salvis, &c. Mandavimus enim Vic. nostro* Surr. *quod ad certos, &c. partes prædictas & prædictum* Episcopum, *ostensur. si quid juris habeat in custodia prædicta, & ad faciendum & recipiendum quod justum fuerit in hac parte coram vobis venire faciatis, & tot & tales probos & legales homines de Balliva sua, per quos, &c. In cujus, &c. Teste Rege apud* Westm. *xvi. die* Novembris.

The Bishop of *Ely* being riotously and forcibly disturbed in his Market, Fair at *Pulham*, View of Frankpledge, and other Liberties belonging to that Bishoprick, the King upon complaint, by his Regal Soveraignty, issued these ensuing Patents legally to inquire of and redresse the same.

Pat. 4 E. 1. m. 17. dorso. REX dilectis & fidelibus suis *Rogero Loveday*, & *Johanni de Metingham*, salutem. Sciatis quod assignavimus vos ad inquirendum per Sacramentum proborum, &c. de Com. *Norff.* per quos rei veritas, &c. qui malefactores & pacis nostræ perturbatores Mercatum & Feriam venerabilis patris *Hugonis Elienſis* Episcopi de *Pulham* vi & armis intraverunt, & Ballivos ipsius Episcopi ad Manerium illud & Feriam illam custodiend. deputatos verberaverunt, vulneraverunt, & male tractaverunt, & *Radulphum de Hechebam* unum de Ballivis prædicti Episcopi ibidem interfecerunt, & quendam latronem per prædictos Ballivos in prædicta Feria captum, ab eorum manibus rescusserunt & abduxerunt, & alia enormia eidem Episcopo & suis intulerunt, ad dampnum ipsius Episcopi trescentarum librarum, et præjudicium libertatis suæ, et contra pacem nostram. Et ideo vobis mandamus, quod ad certos, &c. inquisitionem illam capiatis, & convocatis coram vobis partibus loquelam illam audiatis & terminetis, facturi inde, &c. salvis, &c. Mandavimus enim Vic. nostro *Norff.* quod ad certos, &c. venire faciat, &c. per quos, &c. In cujus, &c. Teste Rege apud *Winchlesey* ii. die.

Ibidem. IIdem *Rogerus* & *Johannes* assignantur eodem modo ad inquirendum per Sacramentum, &c. de Com. *Norff.* per quos, &c. qui malefactores & pacis Regis perturbatores Ballivis Venerabilis patris *H. Elienſis* Episcopi tenentibus Curiam ipsius Episcopi de visu Franci plegii apud *Walsoken* de hominibus ejusdem Villæ, sicut hactenus nomine dicti Episcopi & prædecessorum suorum teneri consuevit, insultum dederunt, & eos malè tractaverunt, non permittentes ipsos Curiam illam de visu prædicto pacificè tenere, sicut teneri debet, et teneri consuevit temporibus prædictis, & alia enormia eidem Episcopo & suis intulerunt, ad dampnum ipsius Episcopi ducentarum librarum, et contra pacem Regis. In cujus, &c. Teste ut supra.

Ibidem. IIdem *Rogerus* & *Johannes* assignantur eodem modo ad inquirendum per Sacramentum, &c. de Com. *Norff.* per quos, &c. qui malefactores &c. Ballivis venerabilis patris *H. Elienſis* Episcopi, Cur. ipsius Episcopi de visu Franci plegii apud *Walepol* & *Walton.* de hominibus ejusdem Villæ, sicut hactenus nomine dicti Episcopi & prædecessorum suorum consuevit, insultum dederunt, & eos malè tractverunt, non permittentes ipsos Curiam illam de visu prædicto pacificè tenere, sicut teneri debet, et teneri consuevit temporibus prædictis, & alia enormia eidem Episcopo & suis intulerunt, ad dampnum ipsius Episcopi ducentarum librarum, et præjudicium libertatis suæ, et contra pacem Regis. In cujus, &c. Teste ut supra.

The Pope having granted this priviledge to the Prior of St. *Johns* of *Jerusalem* in *England*, that all who contributed Alms to their Hospital in their life, should be buried by their men and Tenants after their death, of what death soever they died; some

ſome Thieves being condemned and executed at *Ivelceſter*, were cut down caſually, or by ſome who envyed them, before they were dead, whereof one when he was carried to the grave revived, and took Sanctuary, for which the Priors men were impriſoned for a felonious Eſcape; the King thereupon iſſued this Commiſſion to enquire and certifie the truth of this rare caſe. *An.* 4 E. 1.

REX *dilectis & fidelibus ſuis* Solomoni de Roffa, & Thomæ Tryvet, *ſalutem.* *Ex querela Prioris Sancti* Johannis Jeruſalem *in* Anglia *accepimus*, quod cum per privilegia a ſede Apoſtolica ſibi et Hoſpitali prædicto conceſſa, quibus ipſe et ſui prædeceſſores in regno noſtro hactenus uſi ſunt, corpora defunctorum illorum qui in vita ſua fraternitati ipſius Hoſpitalis ſuas eleemoſynas contulerint, per ſuos homines ſepulturæ Chriſtianæ quociens opus fuerit deputari debeant quocumque caſu mortis decediſſent. *Ac quidam latrones nuper coram Juſtic. noſtris ad gaolam noſtram de* Ivelceſtr. *deliberandam aſſignatis, pro felonia quam fecerant, judicium ſuum ſecundum legem & conſuetudinem regni noſtri habuiſſent, & poſtmodum ſuſpenſi fuiſſent, per quod decennarii locorum illorum attachiati & quibus deputati fuerant ad furcas illas expect. eſſe debuerant, donec ultimum ſpiritum exalaſſent, ac demum antequam* Willielmus Cukeman, Nicholaus le Meſſager, & Stephanus de Pecham *homines ipſius Prioris ad hujuſmodi corpora ſic ſepelienda deputati, ad furcas illas veniſſent pro ipſorum corporibus ſic ad ſepulturam hujuſmodi deputandis, præfatos latrones nemine præfatorum decennariorum aut aliorum ibidem invento, ſive per rupturas cordarum, ſive per aliquorum prædicti Prioris æmulorum excogitatam maliciam, aut alio modo inde proſtratos homines inveniſſent, ac eos mortuos fuiſſe credidiſſent; & eorum corpora ad Eccleſiam Sancti* Olavi de Ivelceſtria in ipſius Eccleſiæ Cimiterio ſepelienda portaſſent, Adam le Meſſer *unus prædictorum latronum ſic ſuſpenſorum cum in ſepultura ſic foſſa poneretur*, vitali reſumpto vigore pedem ſuum movit, et poſtmodum uberiori petitus convaleſcentia, limina petiit Eccleſiæ prædictæ, et ibi ſe tenuit donec regnum noſtrum abjuraret, per quod Vic. noſter Somerſ. præfatos homines ipſius Prioris in priſona noſtra de Ivelceſtria detinet, *acſi ipſi culpabiles eſſent de felonia eſchapio vel malicia prædictis. Et quia ſuper iſto negocio plenius certiorari & plenam juſticiam in hac parte fieri volumus, nos de veſtra circumſpectione & induſtria plenè confidentes, aſſignavimus vos ad inquirendum per ſacramentum*, &c. *de Com. predicto, per quos*, &c. *plenam veritatem & certitudinem caſus memorati, & ad faciendum inde ulterius, quod ſecundum legem & conſuetudinem regni noſtri fuerit faciendum. Et ideo vobis mandamus, quod ad certos* &c. *inquiſitionem illam capiatis in forma prædicta, & ſecundum quod per inquiſitionem illam factam eſſe inveneritis in hac parte, tam pro noſtra parte, quam Prioris & hominum ſuorum prædictorum ſeu aliorum ſi quis inde culpabiles inveneritis, plenam juſticiam exhibeatis. Mandavimus enim Vic. noſtro prædicto, quod ad certos*, &c. *tot & tales venire faciat*, &c. *per quos*, &c. *In cujus*, &c. *Teſte Rege apud* Wynton. 19 *die* Januar. *Et mandatum eſt Vic. prædicto, quod ipſos per bonam manucaptionem interim deliberari faciat.* Pat. 4 E. 1. m. 32.

The King in purſuance of the Statute of *Marlbridge* Anno 52 H. 3. ch. 10. granted this Writ to the Biſhop of *Dumblan* in *Scotland*, to exempt him from Sheriffs Tornes, and County Courts, as well as *Engliſh* Clergymen.

REX *Omnibus Ballivis ad quos*, &c. *ſalutem. Cum de communi conſilio regni noſtri proviſum ſit, quod Archiepiſcopi, Epiſcopi, Abbates, Priores, & cæteri viri Religioſi, ſeu Milites, non habeant neceſſe venire ad Turnum Vic. niſi eorum præſentia ob aliam cauſam ad hoc requirantur*, (to the end they might the better attend on, and only apply themſelves to the diſcharge of their Spiritual functions) *conceſſimus venerabili patri* Roberto Dumblan. *Epiſcopo*, quod toto tempore vitæ ſuæ ſit quietus de Turnis Vic. in Wapentag. de Brokelneſtowe & Riſeclyve *in Com.* Notingh. *& etiam* quod quietus ſit de duobus adventibus per annum quas debet ad Com. prædictum. *Et ideo vobis mandamus*, quod ipſum Epiſcopum contra hanc conceſſionem noſtram non veretis. *In cujus*, &c. *Teſte Rege apud* Polton. 14 *die* Febr. Pat. 4 E. 1. m. 36. intus. Pro R. Dumblan. Epiſcopo. See the Regiſter of Writs, f. 175, 176. Fitz. Natura Brev. f. 160. Cooks 2 Inſtit. p. 120, 121.

What Eccleſiaſtical Juriſdiction the King exerciſed this year in *Ireland*, theſe enſuing Records inform us.

REX

An. 4 E. 1.

Pat. 4 E. 1. m. 20. intus. De consensu electioni adhibito in Hibern.

REX *Justic. suo* Hibern. *Cum vacante Abbatia beatæ* Mariæ *de* Trum. *per mortem* Gilberti *nuper Abbatis ejusdem domus ad requisitionem Prioris & Conventus ejusdem loci*, **eis licenciam concessimus alium sibi in Abbatem suum, prout moris est, eligendi.** *Nos laboribus & expensis eorundem Prioris & Conventus parcere volentes, vobis mandamus, quod electionem eorundem Prioris & Conventus de Abbate domus suæ in Ecclesia sua* Trum. *faciendæ*, **Regium assensum et favorem nomine nostro præbeatis.** *Et si contingat ipsum Electum in Abbatem loci prædicti per loci Diocesanum canonicè confirmari*, **tunc recepta ab ipso Electo nomine nostro fidelitate nobis in hujusmodi casu debita, temporalia dicto Abbati liberetis; receptis tamen prius literis patentibus sigillo prædicti Abbatis, et sigillo Capituli signatis, quod hæc gratia nostra quam eisdem Priori et Conventui ex mera liberalitate nostra concessimus nobis et hæredibus nostris non cedet in præjudicium vel exhæredationem, seu trahatur in consuetudinem vel consequenciam temporibus futuris.** *In cujus*, &c. *Teste Rege apud* Westm. 8 *die* Jun.

The Archbishoprick of *Dublin* in *Ireland* being void, the King by his Prerogative granted the custody of it to *Thomas Chaddeworth*, allowing him 40. Marks a year for his Salary out of it.

Liberate 4 E. 1. par. 1. m 3. Pro Magistro T de Chaddeworth.

REX *Baronibus suis de Scaccario* Dublin. *salutem. Allocate Magistro* Thomæ de Chaddeworth *custodi nostro Archiepiscopatus* Dublin. *vacantis & in manu nostra existentis, in exitibus ejusdem Archiepiscopatus, de toto tempore quo fuit custos ejusdem Archiepiscopatus, & quamdiu custodiam illam habuerit singulis annis quadraginta marcas quas ei concessimus percipiend. pro feodo suo & custodia Archiepiscopatus prædicti. Teste Rege apud* Bathon. 15 *die* Sept. *Stephen* Bishop of *Waterford* was then Treasurer of the Kings Exchequer in *Ireland*, as appears by the Kings Writ of *Liberate* to the Auditors of his Accounts, and other Records.

The King presenting to the Archdeaconry of *Dublin*, by reason of the Temporalties of the Archbishoprick then in his hands, and the Prior and Chapter of St. *Trinity* in *Dublin* pretending the Archdeacons of *Dublin* had a right thereto; the King by his Ecclesiastical Prerogative summoned both parties with their Evidences to appear before him, and appointed special Delegates to hear and descide the cause, which they did accordingly, who awarded the right to the King, and his Clerk to be installed, as this Record attests.

Pat. 4 E. 1. m. 24.

REX *Justic. suo* Hiberniæ *salutem. Magistro* Guillielmo de Notafeld *quondam Archidiacono* Dublin. *naturæ debitum persolvente, nos Archidiaconatum ipsum vacantem*, **et ad nostram donationem ratione Archiepiscopatus** Dublin. *vacantis & in manum nostram existentis spectantem, dilecto Clerico nostro* Willielmo de Salinis **donabimus.** *Mandantes Decano & Capitulo Ecclesiæ Sancti* Patricii Dublin. *quod eidem* Guillielmo *stallum in Choro & locum in Capitulo ratione dicti Archidiaconatus, prout moris est, assignarent. Cumque Prior & Capitulum Sanctæ* Trinitatis Dublin. *assererent mandatum nostrum hujusmodi in eorum* **præjudicium** *redundare, cum Archidiaconi* Dublin. *qui pro tempore fuerint* **consuevissent in dicti Archiepiscopatus vacationibus præsentari eisdem, et ab ipsis Jurisdictionem spiritualitatis Civitatis et Dioc.** Dublin. **quam iidem Archidiaconi vacante sede habere consueverunt, recipere;** *& peterent, quod eundem* Willielmum *in forma prædicta præsentaremus eisdem, ab ipsis dictam Jurisdictionem more solito receptaram.* **Nos quia nolebamus juri partium in aliquo derogare,** *Decanum & Capitulum Sancti* Patricii, *& Priorem & Conventum Sanctæ* Trinitatis *prædictos*, **ad nostram mandavimus præsentiam cum omnibus actis et munimentis negocium hujusmodi tangentibus evocari:** *Dictis itaque partibus coram nobis sufficienter apparentibus*, **Nos** *dilectos Clericos nostros Magistrum* Thomam Bek & Robertum de Scardeburg **dedimus partibus auditores.** *Coram quibus cum fuisset inter partes per plures dies super quæstione hujusmodi altercatum, tandem quæsitum fuit à parte dictorum Prioris & Conventus*, Utrum haberent aliquam præsentationem sibi factam super ipso Archidiaconatu **a Regibus** *Angliæ* temporibus retroactis, vel aliquid aliud per quod possent de jure suo vel possessione

sua

ſua noſtram conſcienciam ſuper hoc infirmare: *Quibus reſpondentibus*, ſe præ manibus non habere; *quæſtum fuit ulterius*, utrum videtur eiſdem juſtum vel æquum an quod nos propter nudam eorum aſſertionem deberemus mandatum quod feceramus pro prædicto *Guillielmo* dictis Decano & Capitulo revocare? *Ad quod directè taliter reſponderunt*, Quod volebant pro bono pacis & **ob reverentiam Regiam**, prædictum *Guillielmum* tenere pro Archidiacono de cætero & habere. *Quare vobis mandamus, quatinus prædictum Archidiaconum faciatis in omnibus ſecundum quod prædeceſſores ſui uſi ſunt, pacifica dicti Archidiaconatus poſſeſſione gaudere*; **Non permittentes eundem ſuper prædictis a prædictis Priore et Conventu aliqualiter impediri**: *Provideatis tamen, quod ipſi Prior & Conventus per ipſum Archidiaconum vel ipſius Offic. indebitè non graventur. Teſte Rege apud* Wynton. 8 *die* Dec. *An.* 4 *E.* 1.

The King by his Royal authority, and this Writ, authorized the Abbot of *Grimesby* totally to demoliſh a ruinous Chappel near *Grimesby*, and to convert the ſtones thereof to ſuch other ſacred Fabricks as he ſhould deem meet.

REX *Vic.* Lincoln. *ſalutem.* **Cum nuper** (*quantum in nobis eſt*) **conceſſerimus dilecto nobis in Chriſto Abbati de** Grimesby, **quod Capellam Sancti** Andreæ **extra** Grimesby, **quæ ruinoſa eſt, et in qua divina non celebrantur his diebus demolire poſſit, et lapides eſuldem in uſus ſacrarum ædium convertere, prout ſibi viderit expedire**: *Tibi præcipimus, quod Capellam illam liberes eidem Abbati ad voluntatem ſuam inde faciend. in forma prædicta, ſalvo jure cujuſlibet. Teſte Rege apud* Weſtm. 16 *die* Octobris. Clauſ. 4 E. 1. pars 1. m. 1. Pro Abbate de Grimesby.

Some Purpreſtures being made in the Kings Foreſt of *Windeſore*, without his licenſe, and the Dean and Chapter of *Sarum*, and Abbot of *Waltham* demanding the Tithes thereof, when as no Tithes were formerly paid, the King to ſecure his own right and intereſt in them, commanded the Tithes to be ſequeſtred by this Writ.

REX *dilecto & fideli ſuo* Galfrido de Picheford, *Conſtabulario Caſtri ſui* Windeſ. *ſalutem. Cum quædam Purpreſturæ factæ ſint ſuper nos in Foreſta de* Windeſor. **de quibus Decimæ hucuſque datæ non fuerunt**, *ut intelleximus, ac Decanus & Capitulum* Sarum, *& Abbas de* Waltham *ex adverſo jus ſibi vendicent* **in Decimis Purpreſtur. prædict. Nolentes quod per hujuſmodi novam poſſeſſionem alterutrum eorum præjudicium nobis ſeu hæredibus noſtris generetur: Vobis mandamus, quod Decimas illas in certo et tuto loco poni faciatis, non permittentes ipſos ſeu ipſorum alterum ad eas manum apponere, donec certi fuerimus de indempnitate noſtra vel aliud inde præceperimus.** *Teſte Rege apud* Weſtm. 25 *die* Julii. Clauſ 4 E. 1. m. 6. intus. De Purpreſturis factis in Foreſta de Windeſ.

The Abbot and Covent of *Fountain*, of the *Ciſtercian* Order, ſelling 62. ſacks of Wool to Merchants of *Florence*, which they were to deliver to them at ſeveral dayes, for which they received of them before hand at *London* 690 marks and an half, of good new money; they entred into this Recogniſance, with ſtrange conditions and renunciations of all Priviledges granted them by the King or Pope, all Inhibitions from either, and not to be ſued upon it out of the Realm, (to the prejudice of the Crown and Realm) thus recorded in the dorſe of the Clauſe Roll.

UNiverſis præſentes literas inſpecturis, *Fr. D.* dictus Abbas de *Fontibus*, & ejuſdem loci Conventus * *Cyceſtrien.* ordinis *Ebor.* Dioc. ſalutem in Domino. Noverit univerſitas veſtra nos vendidiſſe & conceſſiſſe *Dunelmo Fonte* & *Bernardo Thechald*, ementibus & recipientibus tam pro ſeipſis quam pro *Thecland Thedald* fratre dicti *Bernardi*, ac aliis eorum ſociis Civibus & Mercatoribus *Florentin.* ſexaginta duos ſaccos lanæ, de collecta Monaſterii noſtri, ſine clack & lok, god & card, nigra griſſa vilem tuyſun, & ſine pellic. Quam quidem lanam paratam & ponderatam noſtris ſumptibus propriis & expenſis promittimus, & tenemur deliberare eam per legitimam ſtipulationem terminis infra ſcriptis; videlicet, in Quindena Nativitatis Sancti *Johannis Baptiſtæ* anno Domini 1277. decem & ſeptem ſaccos: Clauſ. 4 E. 1. m. 3. dorſo. De Dunelmo Fonte & ſociis ſuis Mercatoribus Florent. * *Ciſtercien.*

An. 4 *E.* 1. Item in eadem Quindena anno Domini 1278. decem & septem saccos: Item & quatuordecim saccos anno Domini 1279. Et quatuordecim alios saccos in dicta Quindena anno Domini 1280. quolibet anno apud *Clifton* prædictis Mercatoribus vel uni eorum, aut eorum certo nuntio has literas deferenti sine ulteriori dilatione. Pro quibus sexaginta & duobus saccis, prædictis modo, loco & terminis deliberand. & tradend. ut dictum est, dicti Mercatores solverint nobis præ manibus apud *London.* sexcent. & nonaginta marcas & dimidium, bonorum novorum & legalium sterlingorum, tresdecim solidis & quatuor sterlingis pro marca qualibet computatis. De qua pecunia nomine nostro & Monasterii nostri benè & integrè nos vocamus quietos & pacatos; Exceptioni non numeratæ, non solutæ, non traditæ nobis pecuniæ omnino renunciantes. Si vero dicta lana, sicut dictum est, eisdem Mercatoribus prædictis loco & terminis non fuerit integrè deliberata & reddita, extunc eis promittimus, & tenemur per antedictam stipulationem refundere & reddere, ac restaurare eisdem Mercatoribus, vel uni eorum, aut eorum certo nuntio, omnes expensas, dampna, & interesse, quæ vel quos dicti Mercatores fecerint aut incurrerint pro defectu solutionis & deliberationis seu assignationis lanæ prædictæ. Super quibus credetur dictis Mercatoribus, vel uni eorum, aut eorum nuntio, per simplex verbum suum tantum sine juramento & alio probatione, nec computabimus dictas expensas, dampna, ac interesse in sortem dictæ lanæ, nec retinebimus dictam lanam contra voluntatem dictorum Mercatorum prætextu dictarum expensarum & dampnorum refusionem ultra terminos antedictos. Pro quibus omnibus & singulis antedictis firmiter & fideliter observandis & adimplendis, **obligamus nos, Ecclesiam nostram, et successores nostros, et omnia bona nostra, Ecclesiæ nostræ, et successorum nostrorum, mobilia et immobilia, præsentia et futura, Ecclesiastica et mundana, ubicunque inventa fuerint, dictis Mercatoribus et eorum sociis. Quæ bona ab eis precari nomine possidere recognoscimus, usque ad integram observationem omnium prædictorum. Renunciantes in his omnibus et singulis pro nobis, Ecclesia nostra, et successoribus nostris, omni juri, juris, auxilio Canonici et Civilis, privilegio Clericali et fori, omni consuetudine, statuto, omnibus literis, et indulgentiis, et privilegiis, ac inhibitionibus a sede Apostolica et a Curia Regia impetratis et impetrandis, constitutioni de duobus diebus editæ in Concilio generali, conventioni, appellationum remedio: Et specialiter indulgentiæ sedis Apostolicæ** Anglicis **concessæ, qua cavetur ne** Anglici **extra** Angliam **trahantur ad causas per literas dicti sedis, et omnibus aliis exceptionibus, juribus et defensionibus, personalibus et realibus, quæ nobis, Ecclesiæ nostræ, et successoribus nostris possent prodesse, et dictis Mercatoribus nocere, vel quæ possent obici contra præmissa.** Volumus autem nomine nostro, & successorum nostrorum, ac Ecclesiæ nostræ super præmissis omnibus & singulis à dictis Mercatoribus, vel ab uno eorum, aut eorum nuntio **in omni loco libere convenirí, et ad judicium trahi.** In cujus rei testimonium præsentibus literis sigillum nostrum apposuimus. Dat. *London.* proximo ante festum Sancti *Lucæ* Evangelistæ, Anno Domini 1276. Et memorand. quod prædictus Abbas venit in Canc. Regis, **et recognovit omnia præmissa in forma prædicta.** Postea venit *Dunelm.* prædictus in Canc. Regis, & posuit loco suo die canicun. Mercatorem *Florentin.* ad recipiendum medietatem lanæ prædictæ ab Abbate & Conventu prædictis.

How carefull and conscientious the King was to satisfie his Fathers debts, to exonerate his soul, will appear by these two Patents, on behalf of the deceased Bishop of *Cicester* Executors, and the present Bishop thereof.

Pat. 4 E. 1. m. 19 intus. Pro Executoribus Testamenti R. quondam Cycestren. Episc.

REX dilectis sibi in Christo *Willielmo de Seleſy*, & *Roberto de Purle* Canonicis *Cycestr.* & *Ivoni de Whistringer*, Executoribus beati *Richardi* quondam *Cycestr.* Episcopi, & Magistri *Walter de Glouc.* quondam Decani ejusdem loci, & custodis Episcopatus prædicti, salutem. Cum celebris memoriæ Dominus *H.* Rex pater noster teneretur prædicto *Richardo* Episcopo in ducentis libris, & venerando patri *Stephano* nunc ejusdem loci Episcopo in centum libris, de quibusdam exitibus Episcopatus prædicti, **quas recepit per manus Decani prædicti, dum dictus** Stephanus **Episcopus ageret extra regnum in Curia** Romana, **volentes vobis de pecunia prædicta, ad exoneracionem animæ dicti patris nostri plenarie satisfieri sicut decet:**

Volumus

Volumus & concedimus, quod prædictas treſcentas libras recipiatis per manus Ballivorum Villæ noſtræ *Sutht.* tam de arreragiis firmæ Villæ prædictæ, quam de fine quem dicti Balliyi ultimo feçerunt nobiſcum, ac de firma ejuſdem Villæ de anno futuro, videlicet, in feſto Sancti *Michaelis* proximo venturo centum libras, & in feſto *Paſchæ* immediatè ſequenti alias centum libras, & poſtmodum in feſto Sancti *Michaelis* proximo ſubſequenti centum libras. Mandavimus enim Ballivis noſtris prædictis, quod dictas treſcentas libras de arreragiis fine & firma prædictis vobis prædictis terminis plenariè & ſine dilacione perſolvant. In cujus, &c. Teſte Rege apud *Cyciſtriam* 18 die *Junii.* *An.* 4 *E.* 1

REX Ballivis & probis hominibus ſuis *Sutht.* ſalutem. Cum celebris memoriæ Dominus *H.* Rex pater noſter teneretur beato *Richardo* quondam Epiſcopo *Cyceſtr.* in quingentis marcis, de quibus jam ſatisfieri fecimus Executoribus ſuis de ducentis marcis, & reſtant adhuc ducentæ libræ ad ſolvendum eiſdem, & teneretur etiam idem Rex venerabili patri *Stephano* nunc ejuſdem loci Epiſcopo in centum libris, de quibuſdam exitibus Epiſcopatus prædicti, **quos percepit per manum** Walteri **quondam Decani dicti loci, et cuſtodis Epiſcopatus ejuſdem, dum præfatus** Stephanus **Epiſcopus ageret extra regnum in Curia Romana**, volentes tam Executoribus dicti Epiſcopi de ducentis libris, quam etiam Executoribus dicti Decani de centum libris prædictis, **ad eroneracionem animæ dicti patris noſtri ſatisfacere ſicut decet**; ordinavimus, quod tam de arreragiis firmæ Villæ veſtræ prædictæ priuſquam capta eſſet in manum noſtram, quam de fine veſtro quem ulterius nobiſcum feciſtis, & de firma ejuſdem Villæ de anno futuro dictis Executoribus plenariè ſatisfieri. Et ideo vobis mandamus, quod dilectis nobis in Chriſto *Willielmo de Seleſeye*, & *Ivoni de Whiſtringer*, Executoribus dictorum Sancti *Richardi* & Decani, ac *Roberto de Purle*, vel duobus aut uni ex eis, de arreragiis finis & firmæ prædictis centum libras in feſto Sancti *Michaelis* proximo futuro, & in feſto *Paſchæ* immediatè ſequenti alias centum libras, & poſtmodum in feſto Sancti *Michaelis* proximo ſequenti centum libras, modis omnibus perſolvatis. Et hoc propter aliquod aliud mandatum noſtrum de pecunia alibi vel alii cuicumque ſolvend. vobis directum vel etiam dirigendum nullatenus **omittatis.** In quolibet autem prædictorum terminorum recipiatis à prædictis Executoribus literas ipſorum de ſolucione illius termini ſibi facta, & in ultimo terminorum prædictorum recipiatis ab eis literas noſtras patentes quas habent de prædictis treſcentis libris, & literas illas nobis habere faciatis, & tunc vobis de prædicta pecunia plenam fieri faciemus allocationem. Teſte ut ſupra. Ibidem.

There being a controverſie between the King and the Dean and Chapter of *Burdeaux*, about the cuſtody of the Temporalties of the Archbiſhoprick of *Burdeaux*; which belonged to him and his anceſtors by their Royal Prerogative; yet the King out of ſpecial grace, and to quiet all differences, quitted and releaſed the cuſtody thereof for the future, by this Patent.

REX Omnibus ad quos, &c. ſalutem. **Licet progenitores noſtri** Aquit. **qui pro tempore fuerunt, et nos quociens ſedem** Burdeg. **vacare contigit, cuſtodiam Temporalium ejuſdem Archiepiſcopatus eadem ſede vacante habere et facere fructus noſtros conſuetiſſemus, quambis Decanus et Capitulum** Burdeg. **aliquibus temporibus aſſeruerint, cuſtodiam hujuſmodi ad nos vel alios Duces** Aquitan. **minime debere pertinere.** Nos intuitu Dei, & ſalutis animæ noſtræ, & animarum anteceſſorum & hæredum noſtrorum, necnon & contemplatione venerabilis patris *S. Burdeg.* Archiepiſcopi, volentes inter nos & hæredes noſtros, & ſucceſſores noſtros, & Eccleſiam *Burdeg.* ac **ipſius Prælatos** in hac parte, **ſopiri omnem materiam quæſtionis, concedimus et quietamus pro nobis et hæredibus et ſucceſſoribus noſtris eidem Archiepiſcopo, pro ſe et ſucceſſoribus ſuis univerſis, et Eccleſia ſua prædicta, totum jus quod habebamus vel habere poteramus in cuſtodia antedicta.** Inhibentes omnibus Ballivis noſtris qui pro tempore fuerint, **ne de cætero cum eandem ſedem vacare contigerit, aliquid de terris, redditibus vel bonis dicti Archiepiſcopatus ratione prædictæ cuſtodiæ vel regalium præſumant occupare, capere vel ſeiſire.** In cujus, *&c.* Teſte Rege apud *Weſtm.* 25 die *Julii.* Pat. 4 E. 1. m. 13. Pro Archiepiſcopo Burdegal.

An. 4 *E.* 1.

* Antiq. Eccl. Brit. p 195.

* Mat. Westm. Walsingham, Hen. de Knyghton Cicestrensis, Holinshed, Speed, Grafto, Daniel, and others, Anno 1276, to 1282.

* *Matthew Parker* records, that *Robert Kilwarby* Archbishop of *Canterbury*, to advance his Ecclesiastical Jurisdiction, *Anno* 1276. *exacto jam primo suæ consecrationis anno vetera* Cantuariensis *Curiæ, quæ in arcuato* Londini *Templo celebratur, statutis a multis* Cantuariensibus **Archiepiscopis, antiquitus sancita, desuetudine pene adumbrata renovavit, omniaque breviter quinque articulis complexus est. Deinde suæ Provinciæ Clerum ad Novum Templum convocavit, cui Concilio** etiam Eboracensis **Archiepiscopus accersitus interfuit. In hoc Concilio** Lewelin Griffini **filius Princeps** Walliæ, **quia mandatis Regiis obtemperare recusavit, totius Synodi decreto excommunicatus est.** Who contemned both this Councils Excommunication, and the Kings summons of him to come to his Parliament, (as our * *Historians* inform us) which occasioned a bloody War between the King and him, till he submitted to his Royal will.

Anno 1277. Pope *John* to avance his Papal authority, and the Priviledges of the *Præmonstratensian Freers*, appointed *Nicholas* Abbot of *St. Augustines Canterbury* to be the Conservator of their Order, prohibiting suits against them under pain of Excommunication by any other Ecclesiastical Jurisdiction or Judge, according to Popes priviledges indulged to them: Who by this new Papal authority inhibited a suit against the Abbot and Covent of *Langele* of that Order before the Prior of *Westminster* and his Official by the Rector of a Church, (most likely for Tithes deteined by them,) as [a] *William Thorne* thus stories in his Chronicle. *Eodem anno Dominus* Nicholaus **per literas Apostolicas recepit in defensionem et tuitionem omnes religiosos Ordinis** *Præmonstratensis* **per** *Angliam* **constitutos,** *unde inter alia multa Priori* Westmonasterii **ex officio suæ Conservationis** *scripsit sub ista forma.*

a Chronica W. Thorne, cap. 26. Sect. 8. col 1925. Nicholas Abbas & Conservator Ordinis Præmonstratensis.

Nicholaus Dei Gratia Abbas Sancti *Aug. Cant.* **Conservator privilegiorum Abbati** Præmonstratensi **Ordinis, ejusque Coabbatibus et Fratribus** Præmonstratensis **a Sede Apostolica indultorum Reverendo viro Domino Priori** *Westm.* Ordinis Sancti *Benedicti*, ejusque *Comissariis* quibuscunque salutem. Cum Abbati *Præmonstratensi* ac ipsius Coabbatibus, Conventibus, & Fratribus ab Apostolica sede specialiter sit indultum, ut per * eadem sedis literas a quoquam non baleant nec debeant in judicium evocari, aut cuiquam poterit jurisdictio attribui, neque aliquam habeant firmitatem, quæ tacito nomine *P.* ordinis fuerint impetrata contra libertates istis *Præmonstratensibus* concessas. **Nos attendentes quod vos seu Commissarii vestri, pretextu quarundam Literarum a sede prædicta contra Religiosos viros Abbatem et Conventum de** *Langele* Præmonstratensis Ordinis *Norwicensis* Diocæsis, per *W.* de *Sancto G.* Rectorem Ecclesiæ de *N.* ejusdem Diocæsis impetratarum, quæ nullam de indulto hujusmodi faciunt mentionem, ad ejusdem Rectoris instantiam in suæ salutis dispendium judicialiter procedere intenditis ac hactenus processistis, quod publicum, manifestum asseritur & notorium; in prædictorum Abbatis et Conventus præjudicium, privilegii Papalis læsionem, ac elusionem nostræ jurisdictionis, qui ad tuitionem privilegiorum eisdem Religiosis et suo Ordini Præmonstratensi indultorum contra publicos manifestos et notorios injuriatores eorundem simus a sede Apostolica specialiter deputati, quique licet authoritate nobis commissa in vos animadvertere possemus pro præsumptis, volentes tamen vestram & Commissariorum vestrorum prudentiam plenius experiri, ad coercionem procedere differimus in præsenti; vos rogantes, monentes, & in Domino exorantes, authoritate qua fungimur Apostolica, sub pœna cohercionis Canonicæ firmiter injungendo, quatinus receptis præsentibus difficultate qualibet ac dilatione remotis, supersedeatis causæ cognitioni, occasione literarum prædictarum coram vobis hactenus agitatæ, de ipsa de cætero, ac meritis ejusdem nullatenus cognituri. Ipsum Rectorem nihilominus citantes peremptorie, quod compareat coram nobis vel Commissariis nostris in Ecclesia nostra Conventuali *Cantuariæ* primo die juridico, post festum *Conversionis* Sancti *Pauli*, super temeraria fatigatione et injuria factis Abbati et Conventui de *Langele* memoratis responsurus, facturus, et recepturus, quod juris fuerit et rationis. Quid autem super præmissis feceritis, nos dictis die & loco per vestras patentes literas harum seriem continentes, vel Commissarios nostros reddatis certiores. Dat. apud *Reading*.

* *ejusdem.*

Set isto Rectore à fatigatione prædictorum Religiosorum non cessante, neque monitionibus

bus Conservatoris obtemperante; idem Dominus Nicholaus *Abbas* (by his new Papal authority) *scripsit Decano loci illius in hac verba.* *An.* 4 *E.* I.

NIcholaus Dei gratia, &c. Cum ex authoritate nobis à sede Apostolica commissa specialiter incumbat, Religiosos viros Abbates, Conventus, & fratres *Premonstratensis* Ordinis per *Angliam* constitutos contra publicos, notorios, & manifestos injuriatores eorundem defendere & tueri; Ac publicum existat, manifestum & notorium, quod *W.* de Sancto *G.* Rector Ecclesiæ de *N.* Abbatem & Conventum de *Langeley* dictæ Diocæsis Ordinis *Præmonstratensis* in causam traxit coram Domino Priore *Westmonasterii* & ipsius Commissariis, & adhuc contra eosdem indebitè prosequendo ipsos laboribus fatigare non cessat & expensis, contra suorum tenorem privilegiorum; Vobis authoritate qua fungimur Apostolica sub pœna Canonicæ districtionis firmiter injungendo mandamus, quatinus moneatis et efficaciter inducatis Rectorem supradictum, quod a Molestationibus supradictis Religiosis eisdem illatis penitus desistat, atque ipsos in pace permittat, sub pœna excommunicationis majoris, quam ex nunc in personam ipsius in bis scriptis proferimus, si nostris monitionibus parere contempserit.

The same Historian renders us this Account of the Collectors, and sums of the Dism levyed within the Province of *Canterbury* to Ayde the Holy Land. * *Anno supradicto erat* Decima concessa in Subsidium Terræ Sanctæ, *in tota* Anglia, *& duravit per vi. annos continuò. Et fuerunt Collectores hujusmodi per iiii. Annos in Diocæsi* Cantuarien*si*, *fratres scilicet Dominus* Wylmynton *hujus loci Prior*, & Johannes Belham; *& repertum fuit quod summa omnium receptorum pro toto tertio anno per dictum Priorem Collectorem.*

* Chron. W. Thorne, col. 1926.

	l.	*s.*	*d.*
Est Summa	804	02	02
Receptorum quarti Anni	1706	10	07
Receptorum quinti Anni	0828	14	05-½
Et Receptorum sexti Anni	1027	04	00
Et recept. de Arreragiis de duobus primis Annis quibus non extiterunt Collectores	126	01	02-½
Et receptorum à primis Collectoribus in deposito	1264	07	11-½
Summa omnium Receptorum per eosdem in Diocæsi *Cantuarien*si	5125	00	05-½

Thomas Walsingham stories, [a] *Hoc tempore frater* Johannes de Derlington, *Ordinis Prædicatorum, Confessor quondam Regis* Henrici, auctoritate Papali in regno Angliæ Collector efficitur Decimarum, salva Papali reverentia contra sui Ordinis professionem tali officio deputatus.

He further relates; [b] *Eodem tempore Papa* Gregorius 10. *apud* Aresium *defunctus, ibidem traditur sepulturæ, cui successit* Innocentius *Quintus, natione* Burgundus, *factus autem Papa sedet mensibus quinque, diebus duobus, mortuoque* Romæ, *& in* Lateranensi *Ecclesia sepelitur. Cui eodem anno successit* Adrianus *Quintus, natione* Januensis, *dictus antea* Octobonus, *qui tituli Sancti* Adriani *Diaconus Cardinalis, à Papa* Clemente *Quarto in* Angliam *missus est. Hic Papa factus, statim constitutionem quem Papa* Gregorius *Decimus fecerat de inclusione Cardinalium pro electione Summi Pontificis, suspendit,* proponens jam aliter ordinare; sed morte præventus, constitutionem suspensam reliquit, sedit vero mensibus duobus Papa. Adriano *defuncto successit* Johannes 21. *dictus* Petrus Hispanus: *Hic Episcopus* Tusculanus *erat prius in artibus diversis famosus,* sed scientiarum florem, Pontificalemque dignitatem quadam morum stoliditate deformabit, adeo ut naturali pro parte carere videretur industria, *in hoc tamen quamplurimum laudabilis fuit, quod se tam pauperibus quam divitibus communem exhibuit, studiumque literarum amplectens multos in beneficiis Ecclesiasticis promovit egentes.* This Pope *John,* [c] *Cum sibi vitæ spatium in*

a Hist. Angl. An. 1277. p. 7.
b Walsingham Hist. Angl. p. 6, 7. Mat. West. Anno 1276, 1277. Platina, Onuphrius, Balæus, Bams, Opmerus, Laertius Cherubinus, Stella, Crespin in the lives of these Popes. Cent. Magd. cap. 10.
c Polychron. l 7 c. 38. Hen. de Knyghton, de Event. Ang. l. 3. c. 1. col. 2461. Tho. Walsingham, Hist. Angl. p. 7. Mat. West. Anno 1276. Platina, Onuphrius, & Balæus in his life.

An. 4 E. 1.

in annos plurimos extendi crederet, & hoc etiam coram multis assereret, subitò cum nova Camera quam sibi Viterbio *circa palatium construxerat, solus corruit, & inter lapides & ligna collisus, sexto die post casum moritur, & in Ecclesia S.* Laurentii *sepelitur.*

* Walsingham Ibidem.

These 4. Popes dying all within the compass of one year, Anno 1277. **Transiit annus iste propter tot* Paparum interitum, tristis lugubrisque Romanis.

An. 5 E. 1.

* Mat. West. An. 1277. P. 385. Walsingham, Polychronicon, H de Knyghton, Fabian, Polydor Virgil, Holinshed, Speed, and others, in An. 5 E. 1.

Anno 1277. (the 5. of *Edw.* the 1.) *in* Quindena Paschæ, *Rex recedens à* Westmonasterio *versus* Walliam *properavit cum omni militari servicio terræ suæ* Angliæ, *Barones de Scaccario, & Justiciarios de Banco usque* Salopiam *secum ducens, qui placita secundum consuetudines* Angliæ *audientes, ibidem pro tempore aliquo morabantur.* Whiles the King lay there with his army, though they were much distressed for victuals and carriages, yet the King was so carefull to preserve the Liberties of the Church and Clergy, and observe the Statute of *Westm.* 1. *cap.* 1. made on their behalf; that he granted several Protections to Abbots, Abbesses, Bishops, and other Clergymen, that no Purveyor or other Officers should take any of their goods, carriages, or quarter upon them, without their free wills and license; as these Patents of protection evidence.

Pat 5 E. 1. pars 1. m. 3. De Blad. aut Carriag. pro Exercitu Wall nullatenus cap.

REX omnibus Ballivis, Clericis, & Ministris suis ad quos, &c. salutem. Licet nos Magnates & cæteri fideles nostri nobiscum in Exercitu nostro Walliæ existentes, bladis, victualibus, et cariagiis non modicum ad Exercitum nostrum prædictum indigeamus; nolumus tamen, quod aliquid de bladis seu rebus aliis dilectorum nobis in Christo Abbatis et Conventus de *Pippewell* quibuscunque, vel etiam cariag. aliquod ad opus nostrum vel alicujus alterius ab ipsis capiatur contra voluntatem suam. Et ideo vobis mandamus, quod de bladis & aliis bonis prædictorum Abbatis & Conventus, vel etiam cariagium aliquod ab ipsis ad opus nostrum vel alterius, sicut prædictum est, sine licentia et voluntate sua nullatenus capiatis. In cujus, &c. per unum annum durat. Dat. per manum, &c. apud *Sallop.* xxviii. die *Octobris.*

Consimiles literas habent Moniales de *Gratia Dei*, usque ad quindenam *Paschæ* prox. futur. Dat. ut supra.

Consimiles literas habent Prior & Conventus de *Novo loco* in *Shirewode*, dur. usq; ad festum *Paschæ* prox. futur. Dat. ut supra.

Consimiles literas habet *Regin. de Legh.* dur. ut supra. Dat. ut supra.

Consimiles literas habet *Ricus* Persona Ecclesiæ de *Bishopsbir.* dur. ut supra. Dat. ut supra.

Consimiles literas habent Prior & Conventus de *Thorney*, dur. ut supra. Dat. ut supra.

Consimiles literas habent Prior & Conventus *de la Lannd.* dur. ut sup. Dat. ut sup.

Consimiles (m. 4.) habent Prioriss de *Amnondesbir.* Abbas de *Heles*, Prioriss & Conventus de *Eton. Henricus de Merstinton*, Abbas de *Hyda Winton.* Abbas de *Bello.* Dat. 16. die *Octobris.*

Consimiles literas habent Abbas & Conventus de *Crokesdon.* Dat. 10 die *Julii.*

Consimiles literas habet *Lichf.* & *Coventr.* Episcopus. Dat. 17 die *Aug.*

Pat. 5 E. 1. m. 4. De bladis pro Exercitu, &c.

REX omnibus Ballivis, Clericis & Ministris suis ad quos, &c. salutem. Licet providentias nostras de bladis in diversis Regni nostri Comitatibus fieri præcepimus ad nos & exercitum nostrum *Wallen.* ducend. Nolumus tamen quod de bladis dilectorum nobis Magistri et Prioris Domus de Semplingham, quæ habent ad sustentationem suam, contra voluntatem suam aliquid capiatur. Et ideo vobis mandamus, quod de bladis prædictorum Magistri & Prioris (ipsis invitis) occasione prædicta nihil capiatis: Et si quid inde contra voluntatem suam ceperitis, id eis sine dilatione restitui faciatis. In cujus, &c. Dur. usque ad festum *Paschæ* prox. futur. Dat. 15. die *Octobr.*

Consimiles literas habent Prioriss & Conventus de *Westwode*, & Prioriss & Conventus de *Eton.*

Consimiles habent *Willus de Salim.* Persona Ecclesiæ de *Kyngesclere.*

Consim. habet *Alanus de Bretun.* Thess. *Lich.*

Consimiles habet *Henricus de Mersington* Persona Ecclesiæ de *Galeby.*

Consimiles

Consimiles habent Abbas & Convent. *Roff. m.* 7.
Consimiles habet Abbas *de Lulleshall.*
Consimiles habent Prior & Conventus de *Neuport.*
Consimiles Prior & Conventus *Lauton. primæ* in *Wall.*
Consimiles Magister *Robertus de Wincheles.*

An. 5 *E.* 1.

REX omnibus Ballivis & fidelibus suis ad quos, &c. salutem. Sciatis quod concessimus venerab. patri Episcopo de Sancto *Asaph*, quod ducere possit blada, & alia bona sua, tam victualia quam alia, à partibus *Angliæ* usque ad partes *Walliæ*, & à partibus *Walliæ* usque in *Angliam*, prout ad commodum suum magis viderit expedire. Etiam vobis mandamus, quod præfatum Episcopum, aut homines suos, blada, & alia bona sua, ut prædictum est, ducentes; contra hanc concessionem nostram non molestetis in aliquo seu gravetis. In cujus, &c. dur. usque ad diem Dominicam in *Ramis Palmarum* prox. futur. Teste Rege apud *Halso* xxii. die *Februarii.* Pat. 5 E. 1. m. 15. Pro A. Episc. S. Asaph.

A. *Bangoren.* Episcopus habet literas de Protectione simplices sine clausula per unum annum duraturas. T. ut supra. Et duplicantur.
Consimiles habet *Margarita de Ros.* Dat. ut supra. Ibid. m. 7. intus. De Protectione.

He likewise granted this general Protection to the Freers Predicants of *Bangor.*

REX Baronibus Quinque Portuum, & omnibus Ballivis & fidelibus suis ad quos, &c. Quia Religiosos et maxime Fratres de Ordine Prædicatorum, quos quadam dilectionis prærogativa commendatos habeamus, cum tranquillitate & mansuetudine, qua statui suo convenit, manutenere volumus et tueri: Dilectos nobis in Christo fratres Prædicatores de *Bangor.* in protectionem & defensionem nostram suscepimus specialem. Et ideo vobis mandamus, quod fratres prædictos homines res & bona in domo eorundem fratrum existentia manuteneatis, protegatis et defendatis; non inferentes eis, &c. si vos per partes illas transitum facere contigerit, injuriam molestiam, dampnum, aut gravamen. Et si quid eis, &c. In cujus, &c. Teste Rege apud *Cestr.* xxi. die *Julii.* Ibid. m. 7. intus. De Protectione.

In this Expedition against the *Welsh*, though the Bishops and Clergy were thus protected from purveyance, yet all of them either fined, or compounded with the King for a summe of money for the Military services and Knights fees, which they were bound by their tenures to perform in times of Warr; as appears by this Record.

REX omnibus ad quos præsentes literæ pervenerint, salutem. Sciatis quod venerabilis Pater *I. Londoniensis* Episcopus solvit per præceptum nostrum *Orlandino de Podyo*, & sociis ejus mercatoribus *Lucaten.* Ducentas Marcas, per quas finem fecit nobiscum pro servitio ser seodorum Militar. quod nobis debuit pro expeditione nostra in instanti exercitu nostro *Wall.* de quibus quidem Ducentis Marcis prædictum Episcopum præsentium tenore quietamus. In cujus, &c. Teste Rege apud *Westm.* xii. die *Maii.* Pat 5 E. 1. m. 15. Pro London. Episcopo

Pope *Gregory* the 10. in his life, to procure some countenance from King *Edward* to his illegal usurpations and Provisions, granted this power to him by his Bull, by way of provision to preferr 3. of his own houshold Clerks and Chaplains to any livings without Cure then voyd, or which should next fall voyd within the Diocesse of *Bath*, *Sarum*, or elsewhere; by vertue whereof (after this Popes death) the King nominated and recommended one of his Chaplains to be thus provided for by the Bishop of *Bath* and *Wells*, and Archdeacon of *Sarum.*

REX Venerabili in Christo Patri *Bathon.* & *Wellen.* Episcopo, & Magistro *Thomæ Bek* Archidiacono *Dorf.* in Ecclesia *Sarum*, salutem. Cum mandatum receperitis Sanctissimi patris Gregorii Dei gratia Summi Pontificis providendi per vos vel per alium, seu alios, tribus Clericis et familiaribus nostris, quos vobis Pat. 5 E. 1. m. 25. intus Pro Ægidio de Audenard.

An. 5 E. 1. bobis nominandos duximus, de totidem beneficiis ecclesiasticis prædendalibus bel aliis cum cura vel sine cura, ad cujuscunque collationem spectantibus in regno nostro Angliæ, si vacant, vel ad præsens quam cito ad id optulerit se facultas, quemadmodum in litera tullata dicti patris plenius continetur, dilectum & familiarem Clericum nostrum *Egid. de Audenard* vobis tenore præsentium nominamus, bolentes sibi auctoritate literarum hujusmodi prœbideri. Teste Rege apud *Westm.* xv. die *Maii.*

The Abbey of *Kirkestall* being indebted to the King and sundry others, as well forreign Merchants as Natives; the King thereupon took it into his own hands and protection, and committed it by these ensuing Patents of protection, somewhat different from others premised of this nature.

Pat 5 E 1. m. 15. Pro Monachis de Kirkestall.

REX omnibus, &c. Cum Abbatia de *Kirkestall*, quæ de fundatione nostra existit, accumulatis pœnis gravibus, tanta prœmatur sarcina debitorum, quod nisi per celere remedium succurratur, vix poterit onere hujusmodi relebari. Nos statui Monachorum ejusdem Domus provideri cupientes, Domum illam cepimus in manum nostram, & eam dilecto Clerico nostro *Hugoni de Kendall* commisimus custodiendam, prout ei injunximus, donec aliud inde duximus ordinand. Et Monachos prædictos, homines, terras, redditus, & omnes possessiones suas in protectionem et defensionem nostram suscepimus. Et ideo vobis mandamus, quod Monachos prædictos, homines, terras, res, redditus, et omnes possessiones suas manuteneatis, protegatis, et defendatis; non inferentes eis, aut inferri permittentes injuriam, molestium, damnum aut gravamen. Et si quid eis forisfactum fuerit, id eis sine dilatione faciatis emendari. In cujus, &c. per quinquennium duraturas. Teste Rege apud *Westm.* xii. die *Maii.*

Ibidem.

REX omnibus, &c. Quia dilecti nobis in Christo Abbas & Conventus de *Kirkestall.* nobis in maxima pecuniæ summa tam ratione mutui in Judaismo nostro contracti quam aliunde, necnon et creditoribus suis diversis tam Mercatoribus alienigenis et indigenis quam aliis in debitis multimodis et immensis tenentur, ad quorum solucionem facultates Domus suæ per magni temporis spatium sufficere non possent absque dispersione Conventus prædicti bel feodalium suorum dilapidatione, seu forte Domus illius subversione totali, quod nollemus. Nos de debitis in quibus fidem Abbas et Conbentus nobis tenentur præ cæteris omnibus nobis satisfieri bolentes, et imbecillitati statûs ipsorum præcompatientes ne hujusmodi discriminis aut dispositionis periculum bideatur ipsis imminere, Domum illam cum terris, redditibus, & omnibus possessionibus ac rebus aliis ad eam pertinentibus cepimus in manum nostram, & eam dilecto Clerico nostro *Hugoni de Kendall.* concessimus custodiendam, quamdiu nobis placuerit; Ita quod omnes exitus, redditus, & proventus terrarum, reddituum, et possessionum dictæ Domus, (salva rationabili sustentatione Abbatis & Conventus Loci ejusdem) ad exonerationem debitorum suorum, & relevationem defectuam aliorum ejusdem Domus reserventur, ac eisdem onerationi et relevationi per visum aliquorum de discretioribus ejusdem Domus per adjutorium dicti *Hugonis* & consilium, prout melius fieri poterit, applicentur. Nec volumus quod aliquis Vic. Ballivus, aut Minister noster, aut alius quicunque in Domo prædicta, Grangiis seu terris, redditibus, aut aliis possessionibus ejusdem dum in manu nostra et in custodia prædicti *Hugonis* extiterint, in eisdem hospitetur, vel aliter de hiis, quæ ad ea pertinent, se intromittat, sine mandato nostro, aut nostra vel præfati *Hugonis* licentia speciali, In cujus, &c. Teste ut supra. There is a third Patent of Protection in this Roll to the like effect, which I pretermit.

King *Edward* by his Soveraign Ecclesiastical Jurisdiction issued this Commission, to inquire of all Christians who used Usury in *London* and elsewhere, and punish them according to Law by seising their goods, as a thing unbeseeming Christians and Christianity.

Pat. 5 E. 1. m. m. 26. dorso. De inquis. fact. de Usuris

REX *dilectis & fidelibus suis* Johanni de Lovetot, & Greg. de Rokesle *salutem.* Cum non liceat Christianis aliquibus pecuniam aliquam, seu bona alia pro

usuris ratione præstiti, vel colore alterius emolumenti inde percipiendi aliam committere, seu pro hujusmodi commissione vel præstito quocunque pacto seu contracto pecuniam aliquam extra summam rei præstitæ ab aliquo exigere vel extorquere; et quidam Christiani de Com. Surr. et Civitate nostra London. (ut accepimus) illicita cupiditate ducti Judaizantes, ac pecuniam et bona alia Christianis aliis indigentibus mutuo committentes terminis statutis, rebus suis quas mutuo tradiderunt sibi restitutis pecuniam illam pro hujusmodi beneficio exigant, et vadia sibi impignorata detineant, et alias districtiones gravissimas eis faciant et fieri procurant, donec eorum cupiditati illicitæ satisfaciat, in Christiani nominis scandalum, et hujusmodi usuras præstantium jacturam, et dampnum non modicum et grabamen; quod sustinere nolumus, sicut nec debemus; assignavimus vos ad inquirendum per Sacramentum, &c. de Com. et Civitate prædictis, per quos, &c. de hujusmodi usurariis, et ad plenam et celerem Justitiam de eis faciend. secundum Legem, &c. *Et ideo vobis mandamus, quod ad certos, &c. Inquisitionem illam fac. facturi, &c. salvis, &c. Mandavimus enim Vic. nostris* Surr. & Lond. *quod ad certos, &c. venire faciant, &c. In cujus, &c. Teste, &c. apud* Windes. *xiii. die* Decembr. *An.* 5 *E.* 1.

The Abbot of *Bardeny* being unjustly deprived by the Bishop of *Lincoln*, the sentence against him was nulled as unjust upon his appeal to the Archbishop, and he restored thereby; the King upon certificate thereof, issued this Writ for his restitution.

REX Militibus, liberis hominibus, & omnibus aliis tenentibus de Abbatia de *Bardeneye* salutem. Cum frater *Petrus* Abbas de *Bardeneye* per iniquam venerabilis patris *Linc.* Episcopi sententiam amotus a regimine Abbatiæ prædictæ Cur. *Cantuar.* de jurisperitorum consilio legitime appellavit; in qua pronuntiatum est per venerabilem patrem *R. Cantuar.* Archiep. totus *Angliæ* Primatem. sententialiter dictam, Episcopum contra memoratum Abbatem injuste et perperam processisse, per quod prædictus Archiepiscopus eundem Abbatem ad pristinum sui regiminis statum sententialiter restituit, sicut per literas patentes ipsius Archiepiscopi accepimus. Vobis mandamus, quod eidem fratri *Petro* tanquam Domino vestro, & Abbati loci prædicti, in omnibus quæ ad Abbatiam illam pertinent, intendentes sitis & respondentes. In cujus, &c. T. R. apud *Wyndes.* 10 die *Decemb.* Pat. 5 E. 1. m. 27. Pro Abbate de Bardeneya.

There being a design this year to succour the Holy Land by Christian Princes, the King authorized his Proctors by this Patent to oblige him to the Pope and Cardinals, that he or his brother *Edmond* would personally repair thither at the time they should prefix.

SAnctissimo Patri in Christo & Domino, Domino *I.* Dei Gratia Sacrosanctæ & Universalis Ecclesiæ Summo Pontifici; *Edwardus* eadem gratia Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, cum omni devotione pedum oscula beatorum. Ut in generali ad Terram Sanctam passagio proximo personaliter ad eandem terram proficiscamur, vel charissimum fratrem nostrum Edmundum Lancastriæ Comitem pro nobis transmittamus ibidem, dilectis et fidelibus nostris R. Abbati Westmon. et Magistro Henr. de Newerk, Clerico et familiari nostro nos specialiter obligandi tenore præsentium plenam tribuimus potestatem. Et hoc idem venerabilibus patribus Dominis Cardinalibus patefacimus per præsentes; quibus sigillum nostrum apponi fecimus in testimonium præmissorum. Dat. apud *Windes.* xii. die *Decembris.* Pat. 5 E. 1. m. 26. in schedula

Robert de Insula, Bishop of *Duresme*, in his Synod held in his Diocesse in the 5th year of King *Edward* the 1. presumed by his Episcopal Authority to compile and publish sundry *Constitutions* concerning the payment of *Tithes and Mortuaries*; and likewise denounced this solemn Excommunication against the forcible invaders of Tithes, lately published in Sir *Henry Spelmans* 2. Tome of *Councils.* [a] *Quidam justitiæ contemptores, Decimas vicinorum, quidam verò proprias, in quorum possessione hactenus non fuerit,* manu laicali et bi armata invadere non formidant. *Nos preteritis edocti periculis, ut obviamus futuris, auctoritate Dei Patris, & approbatione præsentis* [a] Spelmanni Concilia, Tom. 2. p. 316. to 320.

An. 5 E. 1. *sentis Synodi sacrosanctæ*, excommunicamus omnes illos, qui de cætero talia impetrare præsumpserint, et eorum fautores, et sine conscientia (*salva superiorum auctoritate*) nullatenus absolvantur, pœnæ Legati decrevimus esse subdendos; *cum quanquam non deceat propria auctoritate invadere, per quod judicis officiam habet exposcere.* Whereunto he subjoyns; *Ut condecet præceptis Canonicis obedire nolentes*, et in his maxime quæ in favorem Ecclesiæ statuuntur, sententia in perturbatores libertatum Ecclesiæ in Oxonienſi Concilio promulgata, *in præsenti sancta Synodo duximus* innovandos; *injungentes omnibus & singulis (curam) nostrarum animarum habentibus parochialium*, ut ipsam in singulis Ecclesiis, ter in anno, in majoribus solempnitatibus, accensis Candelis, et pulsatis Campanis, promulgata, publice non postponant, in forma tradita, quæ talis est; (before related, Tom. 2. p. 385, 386.) whereunto they now subjoyned in the cloze thereof; *Item præmissas sententias* et alias in Constitutionibus Canonicis et Legatorum, et Statutis Episcoporum Dunelmi contra transgressores proinde latas, et publice promulgatas statuendo, *approbante præsenti sacro Synodo*, solempniter publicamus, et mandamus et injungimus eas singulis annis in tribus solempnitatibus majoribus, sollempniter publicari. All their Constitutions, Synods and Sentences of Excommunication tending principally to advance their own *Episcopal Constitutions, Canons, Jurisdiction, Priviledges, Church-liberties, Usurpations on the Kings Royal Prerogative, Ecclesiastical and Temporal Jurisdiction, and his Lay Subjects rights, properties, franchises*; not Gods true worship, honor, service, or salvation of the peoples souls, which they seldome really minded, or publickly promoted in their Synods in this age, or long before it.

* See Johann. de Aton. Constit. legitimæ, f. 121. Guil. Lindewode, Provincialis, l. 5 De Sententia Excommunicationis, f. 249, 252.

What Soveraign Ecclesiastical Jurisdiction King *Edward* exercised this year in *Ireland*, in the elections, confirmations of Bishops, Abbots, donation of other Ecclesiastical benefices and Church-affairs, these Records relate.

Pat. 5 E. 1. m. 13 intus. De assensu Electioni adhib. Hibernia.

REX electioni nuper factæ in Cathedrali Ecclesia de *Corke* de fratre *Roberto* Ordinis *Cicestrien.* Monacho in Episcopum ejusdem loci, Regium assensum adhibuit et favorem. Et mandatum est *Cassalen.* Archiepiscopo, ut quod suum est in hac parte exequatur. Teste Rege apud *Westm.* viii. die *Maii.*

Pat. 5 E. 1. m. 21 De assensu electioni adhibito Hibernia.

REX electioni nuper factæ in Ecclesiæ Sancti *Patricii* de *Duno* de fratre *Nicholao*, Priore loci ejusdem in Episcopum loci illius, Regium adhibuit assensum et favorem. Et hoc significatum est Domino *Ardmacano* Archiepiscopo, ut, quod suum est, in hac parte exequatur. T. R. apuu *Norwic.* 19 die *Decemb.*

Ibid. De Temporal. restituendis, Hibernia.

REX dilecto & fideli suo *Roberto de Ufford.* Justic. suo *Hiberniæ* salutem. Cum nos electioni nuper factæ in Ecclesiæ Sancti *Patricii* de *Duno* de *Nicholao* Priore ejusdem in Episcopum loci Regium assensum adhibuerimus et favorem. Attendentes quod prædictus *Robertus* circa prosecutionem negotii electionis prædictæ diutius laboravit; et volentes suis laboribus et expensis parcere in hac parte; Vobis mandamus, quod si contingat Electum prædictum in Episcopum loci prædicti canonicè confirmari, tunc recepta ab ipso Electo nomine nostro fidelitate nobis in casu isto debita, Temporalia dicti Episcopatus eidem liberetis; receptis tamen prius literis patentibus sigillo suo, necnon et sigillo Capituli prædictæ Ecclesiæ Sancti Patricii de Duno signatis, quod hæc gratia nostra, quam eidem Electo ad præsens ex mera liberalitate nostra concessimus, nobis vel hæredibus nostris non cedat in præjudicium vel exhæredationem, seu trahatur in consuetudinem, vel consequentiam temporibus futuris. In cujus, &c. Teste Rege apud *Norwic.* xxix. die *Martii.*

Pat. 5 E. 1. m. 21. De licentia eligendi. Hibernia.

PRioriſſa & Moniales Ecclesiæ Sanctæ *Mariæ de Hoges* juxta *Dublin.* nuntiantes Regi mortem Abbatissæ suæ, habent literas Regis de licentia eligendi. T. R. apud *Norwic.* 19 die *Marcii.*

Pat. 5 E. 1. m. 20. De licentia eligendi, & temporal. restit. in Hibern.

REX dilecto & fideli suo *Roberto de Ufford* Justic. suo *Hiberniæ* salutem. Cum Prioriſſa & Moniales Sanctæ *Mariæ de Hoges* in *Hibernia* nobis per literas suas patentes significaverint, quod Ecclesia sua per mortem *Rossiæ* quondam Abbatissæ

de

de *Hoges*, Paſtoris ſolacio eſt deſtituta, petentes a nobis licentiam eligendi aliam in Abbatiſſam, ſicut moris eſt; Nos precibus ſuis benignè in hac parte condeſcentes, licentiam illam eis concedimus, eis mandantes ut talem eligant in Abbatiſſam, quæ dictæ [Domui] debota, et regimini Eccleſiæ ſuæ neceſſaria, et nobis et regno noſtro fidelis exiſtat. Et quia earum laboribus pariter & expenſis parcere volumus in hac parte; **Conceſſimus eis de gratia noſtra ſpeciali, et bobis bedimus poteſtatem, quod facta electione prædicta de futura Abbatiſſa, ſicut prædictum eſt, ejuſdem electioni aſſenſum Regium bice noſtra præbeatis;** Significantes loci Dioceſano, quod id quod ſuum eſt in hac parte exequatur; Et volumus quod confirmata electione prædicta, et fidelitate ab eadem Electa (prout moris eſt) accepta, omnia Temporalia ejuſdem Abbatiæ eidem Electæ vice noſtra reſtituatis; **receptis prius a præfata Priorissa et Conventu, necnon et ab Electa ſuprædicta, literis ſuis patentibus, quod gratia prædicta nobis vel hæredibus noſtris in aliis vacationibus Eccleſiæ prædictæ non cedat in præjudicium, et in conſuetudinem, vel conſequentiam in poſterum non trahatur.** In cujus, &c. Teſte Rege apud *Framebingham*, 9 die *Aprilis*. *An.* 5 E. I.

REX dilecto & fideli ſuo *Roberto de Ufford* Juſtic. ſuo *Hibern.* ſalutem. Cum **Electioni nuper factæ** in Eccleſia de *Kilkelekin* de *Mabill. de Curſy* in Abbatiſſam ejuſdem loci, **Regium aſſenſum adhibuimus et favorem**; nos attendentes, quod prædicta Eccleſia circa proſecutionem negotii electionis prædictæ **diutius laborabit**, & volentes ſuis expenſis & laboribus parcere in hac parte; Vobis mandamus, quod ſi contingat electam prædictam in Abbatiſſam loci prædicti canonicè confirmari, **tunc recepta ab ipſa electa nomine noſtro fidelitate nobis in caſu iſto debita**, Temporalia Abbatiæ prædictæ eidem liberetis. **Receptis tamen prius a præfatis Priorissa et Conventu, et ab electa prædicta, literis ſuis patentibus, Quod hæc gratia noſtra, quam eidem electæ ad præſens ex mera liberalitate noſtra conceſſimus, nobis vel hæredibus noſtris non cedat in præjudicium vel exhæredationem; ſeu trahatur in conſuetudinem vel conſequentiam temporibus futuris.** In cujus, &c. Teſte ut ſupra. Pat. 5 E. I. m. 7. intus. De temporal. reſtituendis.

REX dilecto & fideli ſuo *Roberto de Ufford* Juſtic. ſuo *Hibern.* ſalutem. Cum Prior & Conventus Abbatiæ Sanctæ *Mariæ* de *Kenſis Midden.* Dioc. in *Hibern.* nobis per literas ſuas patentes ſignificaverint, quod cum Eccleſia ſua per mortem *Grandani* quondam Abbatis ejuſdem Domus, paſtoris ſolatio ſit deſtituta, **petentes a nobis licentiam eligendi alium in Abbatem, ſicut moris eſt.** Nos precibus ſuis in hac parte **benigne condeſcentes, licentiam illam eis concedimus,** eis mandantes, **quod talem eligant in Abbatem, qui Deo devotus, regimini Eccleſiæ ſuæ neceſſarius, et nobis et regno noſtro fidelis exiſtat.** Et quia eorum laboribus pariter & expenſis parcere volumus in hac parte, **conceſſimus eis de noſtra gratia ſpeciali, et bobis bedimus poteſtatem,** quod facta electione prædicta de futuro Abbate, ſicut prædictum eſt, **ejuſdem electioni aſſenſum Regium vice noſtra præbeatis;** ſignificantes loci Diocæſano, **quod id, quod ſuum eſt in hac parte, exequatur.** Et volumus, quod confirmata electione prædicta ab eodem, **et fidelitate ab eodem electo (prout moris eſt) accepta,** omnia Temporalia ejuſdem Abbatiæ eidem electo vice noſtra reſtituatis. **Receptis prius a præfatis Priore et Conventu, et ab electo ſuprædicto, literis ſuis patentibus, quod gratia prædicta nobis vel hæredibus noſtris, in aliis vacationibus Eccleſiæ prædictæ, non cedat in præjudicium, et in conſuetudinem, vel in conſequentiam imposterum non trahatur.** In cujus, &c. Teſte Rege apud *Ceſtr.* 16 die *Julii*. This laſt clauſe being thus ſpecially inſerted into all the precedent Writs of reſtitution, to preſerve the Kings Eccleſiaſtical Soveraignty, and prevent Uſurpations on it, by his ſpecial favour indulged in the precedent caſes. Ibidem. De licentia eligend. & temporal. reſtituendis Hibern.

REX Juſtic. ſuo *Hibern.* ſalutem. Cum nuper credentes Eccleſiam de *Fresketh* fuiſſe vacantem, & ad noſtram præſentationem ſpectantem, ratione cuſtodiæ terrarum & hæredium *Johannis de Cogan.* junioris defuncti, quas de nobis tenuit in capite, in manu noſtra exiſtentium, dilectum Clericum noſtrum *Richardum de Blund* præſentaverimus ad eandem; & dilectus & fidelis noſter *Galfridus de Gyenvill* tunc Juſtic. noſter *Hibern.* **nomine noſtro (nobis tamen ignorantibus)** Magiſtrum *Johannem* Ibid. m. 9. Pro Richardo de Blund.

An. 5 E. 1. hannem de Hathfeild ad eandem Ecclesiam prius præsentasset, qui per loci Diocæsanum ad ipsam Ecclesiam admissus fuit, & institutus in eadem, quo minus præsentatio nostra prædicta effectui potuit manciparí. Nos eidem *Richardo* gratiam facere volentes specialem, vobis mandamus, quod eidem in beneficio Ecclesiastico, valente per annum Triginta Marc. ad nostram spectante donationem provideatis, quam primum ad id optulerit et facultas. In cujus, &c. T.R. apud *Wyndes.* 3 die *Julii.*

Pat. 5 E 1. m. 6. intus. De potestate data præsentandi Hibern.

REX dilecto Clerico suo *Thomæ de Chaddesworth*, salutem. Sciatis quod dedimus vobis potestatem præsentandi idoneum Capellanum nomine nostro hac vice ad Vicariam Ecclesiæ de Sancto *Kevino* in suburbio *Dublinensi*, quæ vacat, & ad nostram spectat donationem, ut dicitur. Et nos præsentationem illam nomine nostro faciendam, ratam habemus & acceptam. In cujus, &c. Teste, &c.

Ibid. m. 7. Hibern.

REX dedit & concessit *Iterio Bochard* Præbendam de *Swerd* cum pertinentiis in Ecclesia Sancti *Patricii Dublin.* vacantem per mortem *Roberti de Blund*, et ad Dominum Regem spectantem ratione Archiepiscopatus Dublin. vacantis, et in manu Regis existentis: Et mandatum est Decano & Capitulo Sancti *Patricii Dublin.* quod eidem *Iterio* stallum in Choro & locum in Capitulo assignent, & sibi de Præbenda prædicta cum pertinentiis, prout moris est, possessionem habere faciant. In cujus, &c. Teste Rege apud Castrum prope *Basingwerk.*

Ibid in cedula. Hibern.

REX dilectis sibi in Christo Decano & Capitulo *Dublin.* salutem. Sciatis quod dedimus & concessimus dilecto Clerico nostro *Adæ de Wadonhall* Præbendam illam quam *Iterius Bochard* nuper habuit in Ecclesia *Dublin.* vacantem per commutationem, quam eidem *Iterio* fecimus de Præbenda de *Swerd* in Ecclesia vestra prædicta, et ad nostram donationem spectantem, ratione Archiepiscopatus Dublin. vacantis, et in manu nostra existentis: Et ideo vobis mandamus, quod eidem *Adæ* stallum in Choro & locum in Capitulo, prout moris est, assignetis. In cujus, &c. Teste Rege in Castris prope *Basingwerk*, 27 die *Julii.*

The Popes Delegate giving a sentence against the Prior of *Kilkenny*, for two Churches in *Ireland* given them by *William* Earl of *Pembroc* by his Charter, under the vail and colour of a spoliation, the Kings Justices in *Ireland* thereupon issued a Prohibition to stay the execution of that sentence, as this Certificate of the proceedings to the King, upon the Prior of *Christ-Church* complaint, records.

Bundela Brev. & Pat. Anno 5 E. 1.

SAltem *ex parte Prioris & Capituli Ecclesiæ* Christi Cantuar. *vobis fuit intimatum*, quod nos Judicem a sede Apostolica datum, *super executione cujusdam sententiæ pro prædictis Priore & Capitulo*, super spoliatione Ecclesiarum *Sancti* Edwini, & *Sanctæ* Mariæ *de nova* Ros, *contra Priorem de* Kilkenni coram Judice delegato latæ, (*ut dicitur*) *occasione cujusdam* Cyrographi, de advocationibus earundem Ecclesiarum *inter extraneas personas dudum in Curia nostra* Hiberniæ levati minus juste, *quo minus hujusmodi sententiam executioni debitæ potuit demandare: Serenitati vestræ duximus significandum, quod prafatus Judex ab executione dictæ sententiæ occasione dicti* Cyrographi nequaquam per nos extitit impeditus; *sed quia idem Judex & Commissarii sui, ad querelam & sectam ipsius Prioris Sancti* Johannis, attachiati sunt per breve vestrum, coram Justiciariis vestris de Banco Dublin. super eo, quod venerunt contra Prohibitionem vestram eis ex parte dicti Prioris Kilken. porrectam, super advocatione earundem Ecclesiarum, *quam idem Prior habet ex dono & feoffamento* Willielmi *Comitis* Penbrok & *Marescalli* Angliæ, et de qua quidem advocatione ipsum Priorem per prædictam sententiam sub velamine spoliationis prædictæ nituntur expellere, ut asserit. Idcirco per eosdem Justiciarios eis est inhibitum, ne pendente placito dicti Attachiamenti in Curia vestra, procedant ad executionem sententiæ memoratæ in præjudicium ipsius Prioris placitum illud prosequentis.

Ebol Viscount of *Ventodere* in *France*, being compelled by the Popes Legate to resume the Crosse he had taken up for the *Holy Land*, which he had laid down by reason of sickness, and special services of King *Edward*, as one of his menial Servants; the King thereupon sent this Letter to Pope *John* the 21. and his Agent in

France

France, to discharge him from resuming the Crosse, to which others were then compelled in *France*. *An.* 5 *E.* 1.

Brev. Regis Anno 5 E. 1. in Turri Lond.

Sanctissimo in Christo Patri Domino J. *Dei gratia Sacrosanctæ* Romanæ *Ecclesiæ Summo Pontifici*, Edwardus *eadem gratia Rex* Angliæ, *Dominus* Hiberniæ, *& Dux* Aquitaniæ, *salutem, & cum omni reverentia & honore se totum ad pedum oscula beatorum. Volentes perhibere testimonium veritati, Sanctitati vestræ veraciter intimamus, quod dilectus & fidelis noster* Ebolus *Vicecomes de* Ventodoro Lemovicen. *Diocæsi, (qui tempore quo ad Terram Sanctam transfretavimus, de nostra familia existebat*, et per nos cinctus fuit apud Tunes *cingulo militari, gravi postmodum & quasi incurabili athicè morbo detentus*) de licentia et mandato nostro, ac propter quosdam specialia negotia nostra, quæ sibi commisimus, ad propria remeavit invitus. *Unde cum intellexerimus*, quod una cum aliis Crucesignatis regni Franciæ, ad Crucem resumendam authoritate sedis Apostolicæ compellatur, *& idem* Ebolus *tanquam fidelis & familiaris noster affectet & promptus sit segui in omnibus viam nostram, Sanctissimæ paternitati vestræ duximus* humiliter supplicandum, quatinus a compulsione hujusmodi, quo ad ipsum demandetis cessari, si placet. *Firmiter enim credimus, quod suo tempore sine compulsione aliqua paratus erit in hiis & aliis* Romanæ *Eccl-siæ* obedire mandatis. *Teste meipso apud* Westm. *primo die* Maii, *anno regni nostri quinto.*

Ibidem.

EDwardus *Dei gratia Rex* Angliæ, *Dominus* Hiberniæ, *& Dux* Aquitaniæ, *dilecto & fideli Procuratori suo Magistro* Henrico de Newerk, *salutem. Cum pro dilecto & fideli nostro* Ebolo *Vicecomite de* Ventodoro, *Domino Papæ per literas nostras quas vobis eidem liberandas mittimus, humiliter supplicemus*, ut a compulsione quam Legatus Franciæ facit eidem de Cruce resumenda, *prout in regno* Franciæ, sit omnibus Crucesignatis, qui de Tunys ad Terram Sanctam minime transfretarunt, cessari mandet ad præsens: *Vobis mandamus, quatinus negotium hujusmodi prosequamini, tanquam nostrum, & ad finem deduci procuretis optatum. Teste meipso apud* Westm. *primo die* Maii, *anno regni nostri quinto.*

Richard Aubin being imprisoned at *Norwich* upon a *Capias Excommunicatum*, by the Archbishop of *Canterbury*, and afterwards released upon caution to obey the Churches command, yet after that retaken and imprisoned for the same cause in *London*, the King thereupon issued a Writ to the Archbishop, to certifie the truth of his case, & for his enlargement, whereupon the Archbishop returned this Certificate.

Brevia Regis Anno 5 E. 1.

Serenissimo Principi & Domino suo, Domino E. *Dei gratia Regi* Angliæ *illustri, Domino* Hiberniæ, *& Duci* Aquitaniæ, *frater* Robertus *permissione divina* Cantuarien-sis *Archiepiscopus, totius* Angliæ *primas, salutem, cum omni reverentia & honore. Mandatum vestrum nuper recepimus in hæc verba. Edwardus* Dei gratia Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, venerabili in Christo Patri *R.* eadem gratia *Cantuarien-si* Archiepiscopo, totius *Anglie* primati, salutem. Ostensum est nobis ex parte *Richardi Aubin*, quod cum ipse per Vicecomitem nostrum *Northf.* juxta mandatum nostrum ad denuntiationem vestram sibi directam, tanquam Excommunicatus et claves Ecclesiæ contempnens captus, & in prisona nostra *Norwici* detentus, & postmodum præstita vobis cautione coram Officiario vestro *Norwicensis* Diocæsis sede vacante, de parendo mandatis Ecclesiæ in forma juris ab eadem prisona auctoritate vestra deliberatus extiterit; Major & Ballivi Civitatis nostræ *London.* per breve nostrum de data prioris mandati nostri ad denunciationem vestram prædictam eis de præfato *Richardo* occasione qua prius justitiando directum, ipsum iterato ceperunt, & eundem in prisona nostra de *Newgate* adhuc detinent, in ipsius dampnum non modicum et gravamen. Et quia non est juri consonum, quod idem Richardus post dictam cautionem taliter datam ulterius in prisona detineatur, dum tamen eadem sit causa captionis suæ prædictæ. Nos super hoc certiorari volentes, vobis mandamus, quod rei veritatem in hac parte nobis per literas vestras significetis, ut exinde fieri faciamus quod de jure fuerit faciendum. Teste meipso apud *Well.* 22 die *April.* Anno regni nostri sexto. *Facta igitur super præmissis inquisitione diligenti per Decanum nostrum de Arcubus* London. *compertum est, quod*

An. 5 *E.* 1. *quod prafatus* Richardus *eb eandem causam pro qua apud* Norwic. *in carcere detentus fuerat, & per Officiarium nostrum in Dioc. si* Norwicensi *sede vacante prastita cautione in forma juris extiterat liberatus*, literato apud Newgate carcerali custodiæ mancipatur. *Datum apud* Gennyng. 2 *nonas* Maii, *Anno Dom.* 1278. Whereupon it seems he was enlarged, as the Writ imports.

The King sending a Prohibition this year to the Dean of the Arches, not to hold plea of a Debt, belonging to his Temporal Jurisdiction, the Archbishop of *Canterbury* certified him, that he was there impleaded not by the Dean of the Arches, but by the Popes special command, whom he ought to obey, and would obey.

Brev. Regis Anno 5 E. 1. *Serenissimo Principi & Domino suo Reverendo, Domino* E. *Dei gratia Regi* Angliæ *illustri, Domino* Hiberniæ, *& Duci* Aquitaniæ, *suus frater* Robertus Cantuariensis *Ecclesiæ Sacerdos indignus, salutem in eo per quem Reges regnant, & Principes dominantur, cum omni reverentia tam debita quam devota.* Prohibitum est per Curiam vestram Decano de Arcubus London. ne teneat placitum de Catallis aut Debitis, quæ Magister Henricus de Haukele petit a Magistro Radulpho de Fremingham. *Noverit igitur Excellentia vestra*, quod non tenetur ibi de placito per Decanum, unde executur mandatum Apostolicum mihi sub certa forma directum, cui obedire debeo et obediam. *Hac autem est rei veritas, propter quod (si placet) non credat vestra Serenitas*, quod Decanus præterea hujusmodi Executionis aliquid faciat in vestræ præjudicium dignitatis. *Dat. apud* Mortelabr. 2 *Idus* Maii, *Anno Domini* 1278. A very insolent Certificate of an Arch-prelate to his Soveraign; but being advanced to the Archbishoprick by the Popes provision, not Kings previous assent and approbation, no wonder he preferred and obeyed the Popes commands before the Kings.

I shall conclude this 5th. year of King *Edward* the 1. with this most memorable Record and Case. *Gilbert de Thychevell* being sued in the Ecclesiastical Court for Chattels and Debts, whereof they had no Jurisdiction; and sending a Prohibition to them out of the Kings Court to stay the proceedings, delivered in open Court by the Kings Messengers to *Nicholas Chapple* the Judge, he in a most insolent contemptuous manner, (encouraged as it seems by Archbishop *Boniface* and his Suffragans * Antimonarchical Constitutions, appealed against by the King and Nobles) instead of obeying it, denounced a publick Excommunication against those who delivered the Prohibition, and against all who ayded, countenanced or favoured that Writ; not excepting the Kings person; citing the said *Gilbert* to remote places, to attend them from day to day to vex and weary them, and caused him to be Excommunicated in Churches with Bells ringing, and Tapers burning and extinct: For which high contempt against the Kings Prohibition, Crown and Regal authority, illegal Excommunication and vexation, he was prosecuted at the Kings suit to his damages of 1000 *l.* and at the Parties suit to his damage of 100 mark, and found guilty by the Jury and imprisoned; as *Placita coram* Rogero de Seyton *& sociis suis Justiciariis de Banco apud* Westm. *à die Paschæ in* 15. *dies, Anno regni Regis* Edwardi *quinto, Rot.* 15. *dorso*, (remaining in the Treasury of the Receipts of the Kings Exchequer) thus record to posterity.

* See Tom. 2. p. 901, 902. 903, 911, 989, 990, 991.

Rot. 15. dors. Norff. *Magister* Nicholaus de Capella *attach. fuit ad respondend.* Domino Regi *de placito*, quare cum Gilbertus de Thychewell tanquam Nuncius Domini Regis breve suum de Prohibitione prædicto Magistro Nicholao in pleno Capitulo apud Docking porrigi fecisset, ne tenerent placitum in Curia Christianitatis de Catallis et Debitis, quæ non sunt de Testamento vel Matrimonio, præfatus Nicholaus in personas illud breve Regis differentiam, et auxilium, consilium, et favorem eidem brevi præstantium in eodem pleno Capitulo, sententiam Excommunicationis, non excipiendo personam Regis, minus provide fulminavit, trahens dictum Gilbertum ad loca remota inde in placitum coram eo in Curia Christianitatis, ut sic eum gravius fatigare possit laboribus et expensis, et eum ex causa prædicta Excommunicatum denunciari fecit, in Coronæ et Regiæ dignitatis læsionem, et Domini Regis contemptum manifestum, nec non et prædicti Gilberti præjudicium,

et

et non modicum gravamen, &c. Et unde Dominus Rex per prædictum Gilbertum *qui sequitur pro eo, queritur*, quod cum idem Gilbertus breve suum de Prohibitione prædicto Nicholao, *die Jovis proximo post festum Sancti* Marci *Evangelistæ, anno regni Regis nunc tertio, in pleno Capitulo apud* Docking, per quendam Thomam Tristrem porrigi fecisset, ne placitum de Catallis et Debitis, quæ non sunt de Testamento vel Patrimonio, contra Prohibitionem Domini Regis tenerent, præfatus Nicholaus post prædictum breve per eos receptum, in personas illud breve differentium, et eidem favorem præstantium sententiam Excommunicationis, non excipiendo personam Regis, fulminavit, et per decem Capellanos sibi subjectos de Decanatu de Hecheham ipsam sententiam solempniter prædictis die et loco pulsatis Campanis et accensis Candelis publicari fecit, trahens ea occasione prædictum Gilbertum in placitum in Curia Christianitatis coram eo apud Brakedene, *die Sabbati proxima post festum Sancti* Barnabæ *anno prædicto*, denuncians ipsum ratione prædicti brevis impetrati in sententiam generalem incidisse; et postquam ipsos per diversos labores et expensas per diversa loca fatigasset, eum eadem de causa esse Excommunicatum *die Veneris proxima ante festum* Exaltationis Sanctæ Crucis *anno prædicto apud* Docking, denunciari fecit de die in diem. Et similiter ubi Vic. Norff. ex parte Domini Regis et per ejus præceptum in propria persona *die Dominica proxima ante festum Sancti* Nicholai *anno quarto*, efficaciter monuit, quod sententias et hujusmodi errores sine mora revocaret, idem Nicholaus prædictas sententias et errores ad mandatum Domini Regis et Vic. monitionem non revocavit, immo prosequebatur in Coronæ et Regiæ dignitatem læsionem, et Regis contemptum Mille Librarum, ad prædicti Gilberti dampnum Centum Marcarum, et inde producit sectam, &c. *Et Magister* Nicholaus *venit & defendit vim. & injur. quando, &c. Et quicquid, &c. Et bene defend.* quod ipse nunquam Excommunicationis sententiam in prædictum Gilbertum, nec in aliquem breve Domini Regis prædictum differentem, auxilium, consilium, vel favorem præstantes fulminavit, nec ipsum Gilbertum ea de causa ad loca remota in Curia Christianitatis ad placitum traxit, nec Excommunicatum eadem de causa denuntiavit. *Et hoc offert defendere contra ipsum & sectam suam, sicut Curia consideraverit. Ideo consideratum est, quod vadiat ei legem se* 12. *manu. Et prædictus* Nicholaus *instanter fecit legem suam. Ideo ipse inde quietus & prædictus* Gilbertus *in misericordia. Et quo ad hoc quod prædictus* Gilbertus *dicit*, ipsum Nicholaum sententiam Excommunicationis non excipiendo personam Domini Regis, in omnes consilium, auxilium et favorem præstantes, fulminasse, *dicit*, quod ipse nunquam hujusmodi sententiam fulminavit. *Et quod ita sit ponit se super patriam. Et* Gilbertus *qui sequitur pro Domino Rege similiter. Ideo præceptum est Vicecomiti, quod venire faciat hic in Octabis* Sanctæ Trinitatis, *nisi* J. de Lovetoft *prius, &c. duodecim, &c. per quos, &c. Qui nec, &c. ad recogn. in forma prædicta. Quia tum, &c. Postea ad diem illum prædictus* Gilbertus *qui sequitur pro Domino Rege, optulit se quarto die versus Magistrum* Nicholaum. *Et ipse non venerit, & habuit diem ad hunc diem, ut patet superius. Et ideo præceptum est Vicecomiti, quod distringat eum per omnes terras, &c. Et quod de exitibus, &c. Et quod habeas corpus ejus à die Sancti* Michaelis *in* 15. *dies apud* Salop, *ad audiend. predict. Jur. Et præceptum est Vicecomiti, quod habeat corpora Recognitorum ad præfatum terminum, &c. Postea in Octabis Sancti* Johannis Baptistæ *Anno regni nunc sexto, venerunt Jur. qui dicunt super Sacramentum suum*, quod prædictus Nicholaus die quo prædictum breve ei porreatum fuit, in pleno Capitulo de Docking, per prædictum Thomam de Tristrem ne prædictum placitum teneret; statim post receptionem ejusdem per quosdam Presbyteros quos ad hoc deputavit, in omnes illos breve illud differentes, et consilium, auxilium, et favorem eidem præstantes, in eodem Capitulo sententiam Excommunicationis fulminavit, non excipiendo personam Regis. Ideo mandatum est Episcopo Norwic. quod fac. eum venire hic in Octabis Sancti Michaelis audiend. inter Record. et Judicium suum. Postea venit prædictus Magister Nicholaus, et committitur Gaol. pro contempta.

An. 5 *E.* 1.

Nota.

From which memorable Record I shall observe, 1. The strenuous endeavours of Ecclesiastical Judges and Courts in that age, to enlarge their Jurisdiction, and usurp the conusance of Pleas of all Goods, Chattels, Fees, and other Temporal things, not belonging to them. 2ly. Their strange insolencies and contempts, in fulminating Excom-

An. 5 *E.* 1. Excommunications in their open Courts, and Churches, with Bells and Candles, against all such who sued, prosecuted or delivered the Kings Writs of Prohibition to restrain their Usurpations, and against all who advised, counselled, assisted or granted such Prohibitions, not excepting the King himself. 3ly. Their great and intollerable vexations of such who sued such Prohibitions by new Citations, to attend them *de diem in diem* at remote places, and denouncing new Excommunications against them. 4ly. The Kings deep resentments of these their high contempts, and affronts against his Crown, Dignity, Regal Jurisdiction, and of the vexation of his Subjects, and his royal prosecutions against them for it, both at his own and the parties suit, to recover dammages against, fine and imprison them for these contempts, usurpations and vexations. 5ly. Their impudency in denying and pleading a special Not guilty, though most guilty thereof, against their own knowledge; with their manifold defaults and delayes to tyre out and discourage their prosecutors, and prevent Judgements against them. 6ly. That all such general Excommunications denounced by Ecclesiastical Judges, are illegal, and that the King by his Prerogative ought to be specially excepted out of them.

An. 6 *E.* 1. About the same time *Walter Broneſcombe* Bishop of *Exeter* (of whose frauds and oppressions you may read in * *Godwins* Catalogue of Bishops) and his Officials, cited sundry of the Kings Subjects, and Officers into his Ecclesiastical Courts for Debts and Chattels, that concerned not Matrimony or Testament, and for Trespasses, Freeholds, and other things of which they had no legal Jurisdiction; excommunicating, and putting them to pecuniary redemptions and grievous penalties, to their great oppression and vexation, and withall exacted illegal Oathes and obligations from them, against the Kings Crown, Dignity, and Subjects Liberties; the King upon the complaints of *Edmund* Earl of *Cornwall* and his Officers, and of the whole County of *Cornwall*, of these his exorbitances, issued a special Commission in the 6. year of his reign to some Judges, to inquire of, hear and determin these his Exorbitances and Usurpations, before whom he was prosecuted at the Kings suit, to his Dammages of 10000 *l.* which the Bishop denying in some sort, appealed to the King, Pope, and Court of *Rome*, from the Kings Justices; for which his misdemeanor, high affront and dishonour to the Kings Crown and Dignity, he was adjudged undefended, ordered to satisfie the King his 10000 *l.* Dammages: and likewise to answer his contempt for this his enormous appeal to the Pope, in affront of the Kings Crown and Dignity, before the King and his Counsil; as this memorable Record at large informs us.

* Pag. 326, 327.

Inquisitiones factæ apud *Lanceaneton.* per præceptum Domini Regis die Veneris in Crastino Nativitatis beatæ *Mariæ*, coram *Rogero Lovedaj*, & *Waltero de Wynborn.* Anno regni Regis *Edwardi* 1. sexto.

Anno 6 E. 1. rot. 1. *Cornub.* ff. *Dominus Rex mandavit præfatis* Rogero & Waltero *per Breve ſuum in hæc verba.* Edwardus Dei gratia, &c. Dilectis & fidelibus suis *Rogero Lovedaj*, & *Waltero de Wynborn.* salutem. Quia ex gravissimis querimoniis Mic. nostri Cornub. et aliorum Wallibozum nostrozum, et etiam hominum dilecti et fidelis nostri Edmundi Com. Cornub. Consanguinei nostri, ac totius Communitatis hominum Com. prædicti accepimus, quod Venerabilis Pater Walterus Exon. Episcopus, Officiales, Decani, et alii Ministri sui, de ipsius Episcopi mandato speciali ipsum Mic. Wallibos nostros, Milites, liberos homines, et alios de prædicta Communitate indesinenter trahunt in placitum coram eis in Cur. Christianitatis de Catallis et Debitis quæ non sunt de Testamento, vel Matrimonio, et etiam de Laicis Feodis, Fossatis diversis, Parcis, Vivariis, Piscariis, Sabulonibus, et de transgressionibus et distructionibus in eis factis, quorum cognitio et correctio ad Coronam et dignitatem nostram, et non ad Forum Ecclesiasticum pertinent, et etiam quosdam eorum per Sententias Excommunicationis compulerunt, et adhuc compellere non cessant ad redemptiones pecuniarias gravissimas eidem Episcopo ex causis prædictis præstand. et ad obligationes ei faciendas, quod sibi in omnibus adherebunt, et per omnia, *nulla de fidelitate nobis debita exceptione, vel mencione facta; et alia contra nos et nostros indesinenter perpetrant, in Regiæ dignitatis, et Coronæ nostræ

* See Cooks 1 Instit. on Littleton, f 65.

ſtræ læſionem, ac noſtri et multorum exhæredationem et depauperationem manifeſtas, quæ ulterius ſuſtinere nolumus, ſicut nec debemus; *Conſtituimus vos Juſtic. noſtros, unà cum his quos vobis aſſociaveritis*, ad inquirend. per Sacramentum proborum et legalium hominum de Comitatu prædicto, per quos rei veritas melius ſciri poterit veritatem præmiſſorum. Et ad querelas omnium et ſingulorum ſuper præmiſſis vel aliqua parte eorum conqueri volentium, et eorum grabamina audiend. et terminand. et ad Juſtic. inde faciend. ſecundum Legem et Conſuetudinem Regni noſtri. Et ideo vobis mandamus, &c. quod ad certos diem, &c. quos ad hoc, &c. Inquiſitionem illam in forma prædicta, &c. *Mandavimus enim Vic. noſtro Comitatus prædict. quod ad certos diem & locum, quos ei ſciri facietis, venire faciat coram vobis tot & tales probos & legales homines de Com. prædict. per quos rei veritas in prædictis melius ſciri poterit & inquiri. In cujus rei teſtimonium has literas noſtras fieri fecimus Patentes. Teſte meipſo apud* Glouc. *xi. die* Auguſti, *Anno Regni noſtri Sexto.* An. 6 E. 1.

Per quod quidem mandatum præfati R. & W. *mandaverunt Vicecomiti Comitatus prædicti, quod venire faceret coram eis apud* Lanceaneton *die Veneris prox. poſt feſtum* Nativitatis Beatæ Mariæ *Anno ſupradicto, tot & tales probos & legales homines de Com. prædicto, per quos rei veritas melius ſuper præmiſſis ſciri poterit & inquiri. Et quod ſciri faceret eidem Epiſcopo, quod tunc eſſet ibi facturus ſuper præmiſſis, & receپturus quod juſtum fuerit. Ad quem diem venerunt prædicti Juſtic. ibidem & Vic. ſummon. fecit totam patriam* Cornub. *ſecundum tenorem brevis prædicti. Et Vic. teſtatur, quod ſcire fecit prædicto Epiſcopo,* quod eſſet hic ad hunc diem. Et ipſe Epiſcopus modo venit, &c.

Et Mich. de Northampt. *qui ſequitur pro Rege queritur*, quod cum Dominus Rex ratione Regiæ dignitatis et Coronæ ſuæ tale habeat privilegium, quod nullus in regno ſuo de aliquo qui ſit de Regno Angliæ alicui homagium ſive fidelitatem alicui facere debeat, vel aliquis hujuſmodi homagium vel fidelitatem ab aliquo recipere debeat, niſi facta mencione de fidelitate Domino Regi debita, eidem Domino Regi fideliter obſervanda, idem Epiſcopus in contemptum Domini Regis, et ad manifeſtam quoad privilegium prædictum ipſius Domini Regis exhæredacionem, et ad dampnum, et ad dedecus ipſius Domini Regis, ad valentiam decem Millia librarum, de Henr. de Pomeray, Tho. de Kanc. Johe de Bello prato, Laur. *fil.* Richardi, Johanne le Soer, Willielmo de Map, Eudon. de Grancell, Rogero le Gros, Johanne le Lung, Radulph. de Boyvill, Guidon. Nouannt, Willielmo de Roſtoureks, et Henr. de Cannell obligacionem per ſcripta, et de multis aliis, et de Communitate dicti Com. et etiam per Sacramentum hujuſmodi obligaciones recepit, quod eidem Epiſcopo in omnibus empriſis ſuis firmiter adherebunt in dictis obligationibus, * nulla mentione facta de fidelitate Domino Regi obſervand. ſicut prædictum eſt. Et hoc idem Mich. qui pro Rege ſequitur, offert ſe belle verificare verſus prædictum Epiſcopum, ſicut Cur. Domini Regis conſideraverit, &c.

* See Cooks 1 Inſtit. fol. 65

Et Epiſcopus dicit, quod aliquas non recepit obligationes ab aliquibus, niſi in forma ſubſcripta.

Noverint univerſi Chriſti fideles, quod cum ego Tho. de Kanc. *Miles*, violenciæ et dehoneſtacioni Presbyteris et Clericis apud Gargaul Exon. Dioc. injurioſe et violenter illatis interfuiſſem, opem, audaciam et conſilium aliis ſeverius delinquendi nequiter adhibuiſſem, hiis non contentus conſpirationi factæ contra Sanctam Eccleſiam et venerabilem patrem W. Dei gratia Exon. Epiſcopum, in ejus præjudicium et Eccleſiaſticæ libertatis læſionem, propriæ ſalutis immemor maliciose conſeciſſem, aliaque dampna grabia, et enormia feciſſem, propter quæ non eſt dubium in ſententiam majoris Excommunicationis incidi ipſo facto. Demum filiis pacis intervenientibus et ſalvacione mea procurantibus, ad cor rediens, pro emendatione et ſatisfactione dictorum criminum corporali juramento interveniente promiſi, et promitto quingentas Marcas ſterlingorum prædicto patri ſolvend. ſecundum ipſius patris ordinationem terminis ſtatuendis; eodem Juramento gratis affirmans, quod de cætero hujuſmodi violencias ſeu injurias, vel quaſcunque alias contra Eccleſiam ſeu Eccleſiaſticas perſonas niſi cum moderamine inculpatæ tutelæ me defendendo, non committam, et hoc ſub pœna quadraginta librar. præmiſſa plenarie complend. per dictum Juramentum meum obligo me et aſtringo. Et ſi præmiſſa vel aliqua præmiſſorum non obſervavero, volo et concedo quod prædictus pater in priſtinam excommunicationis ſententiam ſola monitione præmiſſa, ſine aliqua in Jus re-

An. 6 *E.* 1. vocatione me retrudat, et sic excommunicatum denunciari publice faciat, quousque de prædictis omnibus ad plenum per me fuerit satisfactum. Renuncians super hiis omnibus, omni cabillationi, appellationi, Epistolæ Domini Adriani, exceptioni, Regiæ prohibitioni, privilegio Crucesignatorum, indulto, et utriusque Juris cuicunque remedio per quæ præmissa possent impediri, seu quoquo modo retardari. *In cujus rei Testimonium præsentibus Sigillum meum apposui. Hiis Testibus Domino* Radulpho de Arundell *Milite*, *Domino* King de Plumton, Johanne le Chamberlain, Richardo de Derteford *Clerico*, Tho. de Trevill. *Clerico*, Thom. *Rector Ecclesiæ de* Bonquimmot, Rogero de Gyves, *& aliis. Actum & Datum apud* Tytyng. *xv. Kal.* Jun. *Anno Domini* MCCLXXV.

Et prædictus Mich. *qui sequitur pro Rege, dicit, quod qualemcunque formam dictus Episcopus pretendat*, idem Episcopus per alia Scripta et Juramenta obligationes recepit a pluribus et diversis de prædicto Com. in præjudicium Domini Regis, sicut eidem Episcopo imponitur. *Et hoc paratus est verificare sicut Cur. Dom. Regis consideraverit, &c.*

Et Episcopus *venit & dicit*, quod ipse Authoritate prædicti Mandati Domini Regis ad istam querimoniam non bult respondere, set in plena Curia Domini Regis super hoc appellat ipse ad Dominum Regem, et etiam ad Dominum Papam, et ad Curiam Romanam. Et prædictus Episcopus super hoc requisitus si aliud velit dicere, dicit quod non. *Nota.*

Et Mich. de Northampt. *qui sequitur pro Rege*, petit Judicium de prædicto Episcopo, tanquam de ipso qui est indefensus. Et ideo consideratum est, quod prædictus Episcopus indefensus est quoad prædicta, et ideo in misericordia. Et satisfaciet Domino Regi de dampnis suis. *Et datus est ei dies coram Domino Rege; à die Sancti* Michaelis *in tres septimanas ubicunque tunc fuerit in* Anglia, ad respondend. super contemptu per eundem Episcopum Domino Regi facto per prædictas suas Appellationes, quia valde enormiter sonant in præjudicium Domini Regis et Coronæ suæ, et in præjudicium totius Communitatis Angliæ. Which is thus further aggravated and recorded, *Rot.* 3. Et quia hujusmodi Contemptus eisdem Rogero & Waltero ita videtur esse grabis et inauditus, et ita in dedecus Domini Regis redundare, et etiam totius Regni perturbationem, cum in hujusmodi placitis in Curia Dom. Regis nunquam hujusmodi Appellationes, scil. ad Curiam Romanam, fieri consueberunt. Consideratum est, quod prædictus Episcopus quoad hoc est indefensus, et datus est ei dies coram prædictis R. & W. a die Sancti Michaelis in Tres Septimanas, ubicunque, &c. Ad audiend. super hoc Judicium suum, secundum discretionem Domini Regis. *Nota.*

Item, idem Mich. *de* Northt. *qui sequitur pro Rege*, petit Judicium de prædicto Episcopo, tanquam de ipso qui est indefensus. Et ideo consideratum est quod prædictus Episcopus indefensus est quoad prædicta, et ideo in misericordia, et satisfaciet Domino Regi de dampnis suis, ad taxationem per Dominum Regem et Consilium suum faciend. Et datus est ei dies coram Domino Rege, a die Sancti Michaelis in Tres Septiman. ubicumque, &c. Et ad respondend. super Contemptu per eundem Episcopum Domino Regi facto per prædictas suas Appellationes, quia valde enormiter sonant in præjudicium Domini Regis et Coronæ suæ, et in præjudicium totius Communitatis Regni Angliæ. Et quia prædicta super quibus Mich. queritur pro Domino Rege, ita specialiter tangunt Dominum Regem in defectu prædicti Episcopi, qui ita contemptabiliter recedit a Curia, ut Dominus Rex super hoc plenius certioretur, inquiratur rei veritas per patriam.

Queritur etiam idem Mich. *qui sequitur pro Rege*, quod ubi Willielmus de Monketon Vic. Domini Regis Com. prædicti, fecerat quandam districtionem super Episcopum prædictum per Averia sua per præceptum Domini Regis, et pro debito ipsius, ubi venerunt, quidam Willielmus Vicarius Ecclesiæ de Langewe, Decanus de Pondrechire, die Lunæ prox. ante Festum Ascensionis, *Anno regni Domini Regis nunc sexto, apud* Bomyne *in pleno Comitatu*, ubi idem Vic. tenuit placitum ipsius Domini Regis, ipsum Vic. per præceptum ipsius Episcopi pro eo quod districtionem prædictam pro prædicto debito fecerat, solempniter excommunicavit, in læsionem Coronæ Domini Regis, et in ejus despectum et dampnum ipsius 1. Millia librarum: et ad dampnum Vic. prædicti Centum libr. Et quod ita sit paratus est verificare, sicut Cur. Domini Regis consideraverit, &c.

Que-

Queritur etiam prædictus Mich. *qui sequitur pro Rege*, quod cum Dominus Rex Vic. suo Cornub. per Bzevem suum mandasset, *quod Sabulon. in Com. prædicto juxta littus Maris in manum suam caperet, ac idem Dominus Rex per eundem Vic. sunm prædictum de eodem Sabulon. in plenaria seisina extitisset:* pzædictus Episcopus per Excommunicationis sententias indesinenter et enozmiter factas, omnes illos qui de Sabulone pzædicto aliquid cariare seu cariari fecerunt excommunicabit, et sententiis pzædictis innodabit, quousque cum eo redemptionem fecissent pzo Sabulone pzædicto sic ablato, in læsionem et pzæjudicium Cozonæ Domini Regis et ejus despectum, et ad dampnum ejysdem Domini Regis decem Millia libzar. &c. Et quod ita sit paratus est verificare, sicut Curia Domini Regis consideraberit, &c. *An.* 6 E. 1.

Queritur etiamidem Mich. *qui sequitur pro Rege, quod cum Comes* Cornub. *ac major pars Communitatis Com. prædicti ad utilitatem Dom. Regis & patriæ illius*, quædam scripta obligatozia ad invicem et inter se fecissent, quod fideliter et indesinenter partes suas apponerent pzo utilitate Domini Regis, ad quosdam vias Regias infra Parcos pzædicti Episcopi inclusas deobstruendas, quas idem Episcopus obstruere fecit, sicut ad Turnum Vic. pzæsentatum fuit et convictum, ac eadem scripta ad utilitatem Domini sic facta in Pzioratu de Bomyne, *per prædictum Com. & Communitatem prædictam apposita fuissent specialiter custodiend. tanquam Thesaur. Domini Regis*, pzædictus Episcopus, simul cum quodam Guydon. Nonaunnt *Milite suo, tunc familiar. & aliis*, bi et armis ad Pzioratum pzædictum accessit, et cistam in qua pzædicta scripta apposita erant fregit, et scripta illa aspoztavit: Ita quod postea omnes illos qui illis scriptis consenserant excommunicabit, et excommunicatos denunciavit quousque cum illo redemptionem fecissent pzo voluntate sua pzo illo facto; et hoc fecit in læsionem Cozonæ Domini Regis, et ejus despectum, et ad dampnum ipsius decem Millia libzar. Et sciend. quod pzædictus Guido pzæsens fuit, et cognobit se fractioni pzædictæ cistæ interfuisse, et quod ita sit paratus est verificare sicut Curia Domini Regis consideraberit, &c.

Et prædictus Mich. *qui sequitur pro Rege queritur*, quod cum ad Dominum Regem ratione Regiæ dignitatis suæ pertineat placitare in Regno suo per se et Justic. suos placita quæ non sunt de Patrimonio vel Testamento, utpote de Laicis Feodis, Fossatis, divisis, parcis, bivariis, piscariis, fabulone, et de transgressionibus et districtionibus in eisdem factis: Ita quod nullus Ozdinarius se inde intromittere debet, dictus Episcopus in pzæjudicium Domini Regis et Cozonæ suæ, et ad dampnum Domini Regis decem Millia libzar. et ad dampnum totius patriæ, multos per se, et Offic. Decanos et alios ministros suos in Curia Chzistianitatis placitat de Debitis et Catallis quæ non sunt de Testamento vel Patrimonio, et etiam de aliis Laicis feodis supzadictis. *Et quod ita sit paratus est verificare sicut Curia Domini Regis consideraverit, &c.*

Et Episcopus petit Judicium, Si debeat inde respondere dicit quod nullus Officialis, Decanus vel Minister suus inde sit adhuc convictus?

Et prædictus Mich. *dicit*, quod factum Offic. Decanozum, mere factum est ipsius Episcopi in hac parte, et petit quod dicet aliud, et maxime quod respond. de facto suo pzopzio sicut ipse ei imponit, quod ipse per seipsum hujusmodi placita multociens tenuerit, ad dampnum Domini Regis et patriæ, sicut pzædictum est.

Et prædictus Episcopus dicit, quod nichil aliud super hoc dicet, set facit suas appellationes ut supza.

Et prædictus Episcopus quo ad prædictum Willielmum de Monketon *per ipsum excommunicatum, dicit*; quod non videtur ei quod de Sententiis per ipsum latis debet ipse hic respondere, et pzecise dicit, quod quoad illum Articulum non vult ipse aliud dicere, set tenet se ad suas Appellationes quas fac, ut supza.

Et quo ad prædict. Sabulonem dicit, quod non vult inde hic respondere, quia dicit, quod ipse et quidam Walterus de Farmesham attach. sunt ad respondend. inde Domino Regi coram Justic. suis de Banco apud Westm. per quoddam Bzeve Domini Regis in hac fozma.

Rex Vic. *Cornub.* salutem. Pone per vadios & salvos plegios *Walterum* Episcopum *Exon.* & *Walterum de Fermesham* Personam Ecclesiæ de Sancto *Meloro*, quod sint coram Justic. apud *Westm.* à die Sancti *Michaelis* in xv. dies. Ostensuri quare cum cognitio placitozum de Feodis Laicalibus in Regno nostro, et maxime de Dominicis nostris, et etiam cozrectiones Contempt. Ballivozum nostrozum contra

An. 6 *F.* 1. mandata nostra factorum, ad nos et ad coronam et dignitatem nostram specialiter pertineant, iidem Episcopus et Walterus de quodam Marino Sabulone infra Feodum nostrum apud Lauwychecks existente versus Reginaldum de Prydias, Nigellum de Trevell. Willielmum de Cosgaran, et alios usque ad trescent. et quadraginta et quinque homines de Visneto de Lauwychecks quem Sabulonem per Willielmum de Moneketon capi fecimus in manuum nostram ad opus nostrum appruiand. et etiam versus eundem Willielm. de Moneketon, de eo quod ipse dum fuit Vic. nostr Com. prædicti quoddam Mandatum nostrum de Johanne Aler, et Isabel. uxore ejus tanquam excommunicatos, et claves Ecclesiæ contemnente, per corpora sua secundum consuetudinem Angliæ Justiciand. donec Sanctæ Ecclesiæ tam de contemptu quam de injuria ei illata ab eis satisfactionem non executus, ut idem Episcopus dicebat, secuti placitum in Curia Christianitatis contra Prohibitionem nostram. Et habeas ibi, &c.

Et Vic. Cornub. *requisitus si tale breve sibi venerit, dicit*, quod non.

Et prædictus Mich. de Northt. *qui sequitur pro Rege, dicit*; quod non credit quod aliquod tale breve pendeat in Cur. Domini Regis; et si esset pendens, liceret eidem Domino Regi Jus suum sequi versus prædictum Episcopum hic coram istis Justic. Et petit quod dictus Episcopus respondeat. ulterius si voluerit.

Et Episcopus dicit, quod ipse super hoc nichil aliud dicit ad præsens, set facit suas Appellationes ut supra.

Et quo ad prædicta scripta deposita in Prioratu de Bomyne, *dicit*; quod isti Justiciarii non habent auctoritatem per hoc breve super hoc cognoscere, nec eis bult inde respondere, set facit suas appellationes ut supra.

Et idem Mich. *qui sequitur pro Rege, petit Judicium de prædicto Episcopo, tanquam de ipso qui est indefensus super omnibus prædictis.* Et ideo consideratum est quod prædictus Episcopus indefensus est, quo ad prædicta: Et ideo in misericordia; et satisfaciet Domino Regi de dampnis suis. *Et dies datus est ei coram Domino Rege à die Sancti* Michaelis *in* Tres Septiman. *ubicunque, &c.* Et ad respondend. super contemptu per eundem Episcopum Domino Regi facto per prædictas Appellationes, quia valde enormiter sonant in præjudicium Domini Regis et Coronæ suæ, et in præjudicium totius Communitatis Regni Angliæ.

Et quia prædicta super quibus prædictus Mich. *queritur pro Domino Rege*, Ita specialiter tangunt Dominum Regem in defectu ipsius Episcopi, quia ita contemptabiliter recedit a Cur. ut Dominus Rex super hoc plenius certioretur, inquiratur rei veritas per patriam, *scilicet*, de placitis quæ idem Episcopus tenuit. non spectantibus ad Jurisdictionem suam, et de Sabulone.

Et Jur. Inquisitionis prædictæ, scilicet, Johannes de Roskermer, Radulphus Tregod, Petrus de Narikurt, Henricus de Kaul, Reginaldus de Pridias, Hugo Penerel, Willielmus de Kosgolan, Radulphus de Trechesiks, Willielmus de Taustoke, Thom. Noel, Richardus Flemyng, Richardus Marre, Robertus de Kenros, Richardus de Pridias, Drogo Treboer, Reginaldus de Bodrigan; Alanus de Blyhou, Rogerus de Kenrith, Willielmus des Molyns, Thom. de Kancia, Hugo de Treverbin *Miles*, & Jordanus de Hacumbe *tunc venerunt*, & *Jurati dicunt super Sacramentum suum*, quod prædictus Walterus Exon. Episcopus per Magistrum Johannem de Esshe Offic. suum, tenuit placitum inter Galfridum de Bolrigan quer. et Johannem de Smalprend defend. de Custod. et Maritag. hæredis Philippi de Bodrigan, et illud placitum coram eis adhuc dependet. *Iterum idem* Episcopus *per suum Offic. Magistrum* Petrum de Crediton *tenuit placitum inter prædictum Magistrum* Johannem de Esshe *quer.* & Willielum Kestell, Walterum de Hay, Petrum Bundin de Conss. & *serviciis*; *unde idem* Petrus *amerciatus fuit ad dimid. marcam pro unico defectu. Iterum idem Episcopus per suum Offic. Magistrum* Johannem de Esshe *tenuit placitum inter ipsum & prædictum Magistrum* Johannem *quer.* & Willielmum Kestell, Petrum de Treworth, & Gilbertum de Trehydic *de placito debiti. Iterum idem Episcopus per suum Offic. Magistrum* Petrum de Crediton *tenuit placitum inter* Clementem de Trechenhech *quer.* & Johannem Baudyn, & Richardum Baudyn *defend. de placito transgressionis, videlicet, de effusione sanguinis, & hutesſ. levato, unde prædicti* Johannes Baudyn & Richardus *amerciati fuerunt ad* decem solid. *de quibus soluti fuerunt prædicto* Clementis quatuor solid. *Iterum idem Episcopus per suum Offic. prædictum Magistrum* Johannem de Esshe *tenuit placitum inter* Robertum Gregilen *quer.*

&

& Rogerum Peyn *defend. de placito* detencionis Cat. *Iterum idem Episcopus per suum Offic. prædictum. tenuit placitum inter* Radulphum Blundel *quer,* & Walterum le Taverner, *de una Selda quod prædictus* Walterus *tenuit ad Terminum per scriptum prædicti* Radulphi. *Iterum idem Episcopus per suum Offic. prædictum Magistrum* Petrum *tenuit placitum inter* Johannem Peterel *quer.* & Richardum Fatte *defend. de* placito Convencionis de uno Mess. quod idem Richardus tenuit ad firmam per scriptum pꝛædicti Johannis. *Iterum idem Episcopus per suum Offic. prædictum tenuit placitum inter, quendam* Fabrum de Bomine *quer.* & Richardum de Bomine Marescallum *de* placito detentionis unius super-tunicæ et unius firmaculi. *Iterum idem Episcopus per suum Offic. prædictum tenuit placitum inter* Wiliielmum Belde *quer.* & Richardum Crispyn *defend.* de placito sanguinis effusionis. *Iterum idem Episcopus per prædictum Magistrum* Petrum *tenuit placitum inter* Richardum Dewyden *quer.* & Richardum Bysop *defend.* de placito debiti. *Iterum idem Episcopus per prædictum Offic. suum tenuit placitum inter* Richardum de Trevila *quer.* & Nicholaum Lowys, de placito Convencionis cujusdam terræ quam pꝛædictus Nicholaus tenuit ad firmam per scriptum pꝛædicti Richardi. *Iterum idem Episcopus per suum Offic. prædictum tenuit placitum inter* Johannem de Rospele *quer.* & Nicholaum de Ewe *defend.* de placito sanguinis et plagæ, unde pluteff. fuit levatum. *Iterum idem Episcopus per suum Offic. prædictum tenuit placitum inter* Johannem *Personam* Ecclesiæ *de* Lanteglos *quer.* & Nicholaum de Ewe, de quadam domo quam habuit in liberum Maritagium cum uxore sua. *Iterum idem Episcopus per prædictum Magistrum* Johannem de Esshe *Offic. suum. tenuit placitum inter* Reginaldum de Templo *quer.* & Richardum Badecoks *defend.* de placito cujusdam Domus quam idem Richardus ad firmam tenuit de pꝛædicto Reginaldo, et per scriptum suum; unde pꝛædictus Richardus amerciatus fuit ad quinque Marcas. *Iterum idem Episcopus per suum Offic. prædictum tenuit placitum inter* Radulphum Traebeu *Capellanum quer.* & Rogerum de Byrehull *defend.* de placito transgres. *videlicet,* quod idem Rogerus debuit occidisse equum pꝛædicti Radulphi, ob quod idem Rogerus amerciatus fuit ad unam Marcam. *Iterum idem Episcopus per suum Offic. prædictum Magistrum* Petrum *tenuit placitum inter* Robertum Ilger *quer.* & Richardum Fate *defend.* de placito Conventionis, *videlicet,* de quadam domo quam idem Richardus ad firmam tenuit per scriptum pꝛædicti Roberti. *Iterum idem Episcopus per prædictum Magistrum* Johannem de Esshe *tenuit placitum inter* Radulphum Trevebon *Capellanum quer.* & Johannem de Belloneron, Thomam *fil. ejus,* & Richardum Baudin, de placito debiti. *Iterum idem Episcopus per suum Offic. Magistrum* Johannem de Wlverton *tenuit placitum inter* Claricum de Trymscort *quer.* & Willielmum de Mason *defend.* de placito debiti, *videlicet,* de den. promissis. *Iterum idem Episcopus per suum Offic. prædictum tenuit placitum inter* Valentinum Dynemeder *quer.* & Richardum Baudyn *defend.* de placito transgres. *Iterum idem Episcopus per suum Offic. prædictum Magistrum* Petrum *tenuit placitum inter* Herneum de Tregencres *quer.* & Robertum de Mareis *defend.* de placito debiti, quod quidem placitum pꝛius placitatum fuit in Curia Domini Regis. *Iterum idem Episcopus per prædictum Magistrum* Johannem de Esshe *tenuit placitum inter* Gervas. de Austronon *Clericum quer.* & Nicholaum de Tredobel, & Christopherum *de eadem defend.* de placito debiti. *Iterum idem Episcopus per suum Offic. Magistrum* Petrum *tenuit placitum inter* Johannem Crist de Treweldyk *quer.* & Stephanum de Bonyton *defend.* de placito Conventionis. *Iterum idem Episcopus per prædictum Magistrum* Johannem de Esshe *tenuit placitum inter* Joceum Austronon *juniorem quer.* & Philippum de Kaul *defend.* de placito debiti. *Iterum idem Episcopus per suum Offic. prædictum tenuit placitum inter* Richarduni de Wenbacheleg *quer.* & Johannem le Myre de Steva de placito debiti. *Iterum idem Episcopus per suum Offic. prædictum inter prædictum Magistrum* Petrum *quer.* & Willielmum de Ludre *defend.* de eo quod idem Willielmus voluit implacitasse Willielmum *Vicar. de* Seynbreth, de placito Convencionis in Curia Domini Regis, unde idem Willielmus amerciatus est ad dimid. Marc. *Iterum idem Episcopus per suum Offic. Magistrum* Petrum *prædictum tenuit placitum inter* Johannem Monsorel *quer.* & Willielmum de Tholney, & Johannem de Lekeran *defend.* de eo quod idem Willielmus & Johannis implacitarunt pꝛædictum Johannem in Curia Chꝛistianitatis de injusta detentione 4. solid. *Iterum idem Episcopus per suum Offic. prædictum Magistrum* Johannem de Esshe *tenuit placitum inter* Willielmum Dulbell *quer.* &

Johannem

An. 6 E. 1.

An. 6 *E.* 1. Johannem Thovum *defend.* de placito unius Curtillagii dimissi ad firmem prædicto Johanni. *Item idem Episcopus per practicam Offic. suum tenuit placitum inter* Agn. *quæ fuit uxor* Roberti Store *quer.* & Johannem de Ely *defend.* de una selda dimissa ad firmem, unde item Johannes amerciatus fuit ad eodem festo. *Iterum idem Episcopus per præfatum Offic. tenuit placitum inter* Nicholaum le Ken *quer.* & Rogerum *fil.* Alic. Sike, & Robertum Fot *defend.* de quadam domo dimissa ad firmam præfato Nicholao, unde item Nicholaus amerciatus fuit ad quatuor solid. *Iterum idem Episcopus per præfatum Offic. tenuit placitum inter* Ranulphum de Trechhu *quer.* & Walterum de la Dene *defend.* de quadam terra quam item Walterus tenuit ad firmam de prædicto Ranulpho. *Iterum idem Episcopus per suum Offic. præfatum tenuit placitum inter* Nicholaum le Potter *quer.* & Robertum Loerel *defend.* de quadam domo dimissa ad firmam, unde idem Robertus fuit amerciatus ad dimid. marc. *Iterum idem Episcopus per suum Offic. prædictum tenuit placitum inter* Johannem *personam Ecclesiæ de* Lantegles *quer.* & Willielmum Larmolyn *defend.* de quadam via obstructa per prædictum Johannem, de qua placitum prius erat in Curia Domini Regis. *Iterum idem Episcopus per suum Offic. prædictum tenuit placitum inter* Willielmum de Boterden *quer.* & Hamelinum de Timeslak *defend.* de quadam terra quam idem Hamelinus tenet ad firmam de prædicto Willielmo, unde idem Hamelinus amerciatus fuit ad unam marcam. *Iterum idem Episcopus per suum Offic. prædictum tenuit placitum inter* Obuerum *personam Ecclesiæ Sancti* Hogger. de quadam via obstructa, unde Robertus le Brun attachatus fuit coram Magistro Rogero le Rus Offic. prædicti Episcopi, amerciatus ad quatuor solid. *Iterum idem Episcopus per prædictum Offic. suum tenuit placitum inter* Johannem de Sancto Ivone *quer.* & Richardum Doygol *defend.* de eo quod idem Richardus intravit in turno Vic. una cum aliis Jur. præsentavit quandam viam esse obstructam, unde placitum fuit prius in Curia Domini Regis. *Iterum idem Episcopus per suum Offic. prædictum tenuit placitum inter* Radulphum *personam Ecclesiæ de* Pyleton *quer.* & Johannem de Halgeton *defend.* de divisis factis, unde placitum fuit inter eos in Curia Domini Regis, et adhuc pendit in eadem Curia Christianitatis. *Iterum idem Episcopus per Offic. suum prædictum tenuit placitum inter* Walterum Wade *quer.* & Johannem Penquid *defend.* de placito transgres. quod prius fuit placitatum in Curia Domini Regis. *Iterum idem Episcopus per Offic. suum prædictum tenuit placitum inter* Johannem *Capellanum de* Neweton *quer.* & Richardum Kalle *de* Lanc. *defend.* de imparcatione Averiorum prædicti Johannis. *Iterum idem Episcopus per prædictum Offic. suum Magistrum* Petrum de Credynton *tenuit placitum inter* Joachim Capellum *quer.* & Robertum de Woleton *defend. de eo quod idem* Robertus *levavit hutes. super Dominam de* Welleton, pro eo quod ipsa quandam Chartam abstulit de prædicto Roberto in Cimiterio de Wolleton vi et armis, et ob quod amerciatus fuit ad 12 d. *Iterum idem Episcopus per suum Offic. prædictum tenuit placitum inter* Robertum de Boskemay *quer.* & Henricum de Boskemay *defend.* de placito transgres. *videlicet,* de divisis fructis et hutes. levato. *Iterum idem Episcopus per suum Offic. prædictum tenuit placitum inter* Thomam Hamelin *quer.* & Walterum de Wyke *defend.* de placito transgres. *scilicet,* de sanguine effuso et hutes. levato. *Iterum idem Episcopus per suum Offic. prædictum Magistrum* Johannem de Esshe *tenuit placitum inter* Robertum de Trewyder *quer.* & Richardum Badecok *defend.* de placito terrarum et ten. *unde Magister* Johannes de Esshe cepit de prædicto Roberto unam marcam pro auxilio sibi præstando in causa prædicta. *Iterum idem Episcopus per Offic. suum prædictum tenuit placitum inter* Rogerum le Marchaund *quer.* & Walterum Flegard *defend.* de placito terræ; et Rogerus fuit amerciatus ad 12 d. quia retraxit se. *Iterum idem Episcopus per prædictum Offic. suum tenuit placitum inter* Robertum Moysyn *quer.* & Walterum Flegard *defend.* de placito terrarum et ten. dimissorum ad firmam: Et prædictus Offic. cepit dimid. marc. de prædicto Waltero ut supersederet in causa prædicta. *Iterum idem Episcopus per Offic. suum prædictum tenuit placitum inter* Richardum *Clericum de* Trenargan *quer.* & Thomam de Trenergorum *defend.* de quadam via obstructa, unde Offic. Jurare fecit duodecim liberos homines in prædicto placito in modo Assisæ. *Iterum idem Episcopus per suum Offic. Magistrum* Johannem de Wolverton *tenuit placitum inter Magistrum* Johannem de Esshe *quer.* & Johannem de Trehurst, Sim. de Trenaton, Nich. Bodeleg *defend.* de eo quod prædicti Johannes et alii emerunt quædam blada contra voluntatem

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pꝛædicti Offic. et fuerunt amerciati ad quatuoꝛ libꝛ. ſexdecim ſolid. et octo denar. *An.* 6 *E.* 1.
Iterum idem Epiſcopus per ſuum Offic. prædictum Magiſtrum Petrum *tenuit placitum inter* Nicholaum de Naukesby *quer.* & Hamelinum de Karkehull *defend.* de placito tranſgreſ. *Iterum idem Epiſcopus per ſuum Offic. prædictum tenuit placitum inter* Willielmum Kyda *quer.* & Osbertum de Sancta Columba *defend.* de eo quod idem Osbertus aſpoꝛtavit aquam extra Regalem viam ad domum ſuam quæ per pluviam in dicta via deſcenderet. *Iterum idem Epiſcopus per ſuum Offic. prædictum tenuit placitum inter* Rogerum le Creton *quer.* & Johannem de Karkelewe, de placito tranſgreſ. unde idem Johannes peroldit decem ſolid. *Iterum idem Epiſcopus per ſuum Offic. prædictum tenuit placitum inter* Nicholaum de Ewe *quer.* & Radulphum Balun *defend.* de placito tranſgreſ. unde idem Radulphus fuit amerciatus ad duas ſolid. *Iterum idem Epiſcopus per ſuum Offic. Magiſtrum* Johannem de Eſshe *tenuit placitum inter prædictum Magiſtrum* Petrum *quer.* & Andr. de Greinwal *Capellanum defend.* de eo quod idem Capellanus demandaverat quandam ancam ſuam alibi quam in Capello ſuo; et fuit amerciatus ad dimid. marc. *Iterum idem Epiſcopus per ſuum Offic. prædictum tenuit placitum inter* Simonem Leynham *quer.* & Benedictum le Brun *defend.* de placito detentionis Averꝛoꝛum. *Iterum idem Epiſcopus per ſuum Offic. prædictum tenuit placitum inter* Osbertum de Treſuweton *quer.* & Andr. Ruſſell *defend.* de placito debiti quod pꝛius erat placitatum in Curia Domini Regis. *Iterum idem Epiſcopus per ſuum Offic. prædictum tenuit placitum inter prædictum* Osbertum *quer.* & Luciam de Rydewor *defend.* de placito tranſgreſ. unde hutel. fuit levatum. *Iterum idem Epiſcopus per ſuum Offic. prædictum tenuit placitum inter* Eudonem Peupond *quer.* & Vivianum Pumbre, de placito tranſgreſ. quod pꝛius erat placitatum in Curia Domini Regis. *Iterum idem Epiſcopus per ſuum Offic. prædictum Magiſtrum* Petrum *tenuit placitum inter prædictum Magiſtrum* Johannem de Eſshe & Nicholaum Peupud *quer.* & *prædictum* Vivianum *defend.* de placito tranſgreſ. *Iterum idem Epiſcopus per Offic. ſuum prædictum tenuit placitum inter* Hugonem de Treſauſon *quer.* & Johannem Andr. *defend.* de placito unius Olle Cneæ emptæ. *Iterum idem Epiſcopus per ſuum Offic. Magiſtrum* Petrum de Credynton *tenuit placitum inter* Walterum le Archer *quer.* & Adam le Engleys, de eo quod idem Adam fuit conqueſtus de pꝛædicto Waltero in Hundꝛ. *Iterum idem Epiſcopus per ſuum Offic. prædictum Magiſtrum* Johannem, Excommunicavit Pꝛioꝛem de Bomync, quia idem Pꝛioꝛ namiare fecit homines pꝛædicti Magiſtri in Piſcaria ſua ſeparali Piſcantes, quam idem Pꝛioꝛ tenet et habet de dono Domini Regis in perpetuam eleemoſynam, et eundem Pꝛioꝛem ſic denunciavit Excommunicatum, quouſque fecit finem cum ipſo pꝛo 20 marc. De Sabulone dicunt, quod poſtquam Dominus Rex pꝛæceperat pꝛædicto Vic. quod ipſe pꝛædictum Sabulon. caperet in manum ſuam, et ad opus ipſius Domini Regis appꝛopꝛiaret, Dominus Epiſcopus per ſententias ſuas inhibuit ne ſine ſua licentia aliquis inde caperet.

Michael. de Northr. *qui ſequitur pro Rege quer.* quod idem Epiſcopus excommunicaſſet pꝛædictum Willielmum de Moneketon imponens ei, quod ipſe debuerat contempſiſſe pꝛæceptum Domini Regis de quodam Excommunicato capiendo. Ac Dominus Rex eidem Epiſcopo poſtea mandaſſet, quod idem Epiſcopus pꝛopter pꝛædictum contemptum in pꝛædicto Willielmo nullam infligeret pœnam, cum ad Dominum Regem pertineat, et non ad dictum Epiſcopum, huſuſmodi contemptus Ballivoꝛum ipſius Domini Regis coꝛrigere, dictus Epiſcopus non obſtante dicta inhibitione eidem ſuper hoc facta per Dominum Regem, dictum Vic. denunciavit eſſe Excommunicatum, in manifeſtum Domini Regis contemptum, et ad dampnum ipſius Domini Regis 10 millia libꝛarum. Et quod ita ſit paratus eſt verificare, ſicut Curia conſideraverit, &c.

Et pꝛædictus Epiſcopus ad hunc Articulum nihil vult reſpondere, ſed facit ſuas Appellationes ut ſupꝛa, &c.

Et prædictus Mich. *qui ſequitur pro Rege, petit Judicium de ipſo tanquam de indefenſo.* Et ideo conſideratum eſt, quod pꝛædictus Epiſcopus quo ad hoc ſit indefenſus. Ideo ipſe in miſericoꝛdia. Et ſatisfaciat Domino Regi de dampnis, &c.

Et prædictus Comes Cornubiæ *in propria pꝛſona ſua quer.* de pꝛædicto Epiſcopo, *quod ubi ipſe & anteceſſores ſui habuerunt quoddam paſſagium ultra aquam de* Eſshe, *& à tranſeuntibus pecuniam recipere pro eodem paſſagio. Ac cum homines ipſius Comes*

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An. 6 *E.* 1. *de* Eſshe *de hominibus prædicti Epiſcopi pro paſſagio aquæ prædictæ certum quid cepiſſent*, prædictus Epiſcopus homines Villatæ prædictæ de Eſshe excommunicavit, et excommunicatos denunciavit, et Capellam ejuſdem Villæ in Interdicto poſuit. Ita quod illa Capella ſic Interdicta fuit per ſeptennium, et adhuc eſt. Ita quod homines ejuſdem Villatæ ad celebrationem divinam audiend. longius de tribus leucis adeunt, et ita evenit quod multi multotiens ipſorum ſubmerſi ſunt præ multitudine aquæ torrentis, in læſionem Coronæ Domini Regis, et ad exhæredationem prædicti Com. et dampnum ſuum 5. millia librarum. Et quod ita ſit paratus eſt verificare, ſicut Curia conſideraverit, &c.

Et Epiſcopus venit & dicit, quod de hujuſmodi ſententiis ſuis, nec de iſto facto vult inſe hic reſpondere.

Et prædictus Comes petit Judicium de prædicto Epiſcopo tanquam indefenſo. Et ideo conſideratum eſt, quod prædictus Epiſcopus ſuper hoc ſit indefenſus, et ipſe in miſericordia. Et ſatisfaciet dicto Com. de dampnis ſuis, &c.

Queritur etiam idem Comes, quod cum H. de Monteforti & Thomas Trevet *Juſtic. qui quidem* Henr. *prædicti Epiſcopi fuit Prebendarius, coram ipſis in Com. prædicto die Sabbati prox. poſt feſtum Sancti* Jacobi, *anno regni Regis nunc tertio apud* Lanceaneton, authoritate Regia, cum inde Warentum non habuiſſent, ſed præcipue ad procurationem et ad inſtantiam prædicti Epiſcopi, majorem partem Comitatus Cornubiæ arquirend. et terminand. quædam placita Coronæ et Gaol. deliberand. venire feciſſent. *Ad quem diem* Johannes de Bello prato *tunc Vic.* Cornub. & *Seneſcallus prædicti Comitis*, Alanus de Bloho, Osbertus de Hoylaund, Willielmus de Roſtowrek, Johannes le Lung, Robertus de Mariſco, Johannes de Roſgawar, Eudo de Alneſtow, Hug. le Gros, Richardus Bylon, Rogerus Payen, Lucas de Penhat, Henr. de Hextelworth, & Henr. Caural, *Ballivi tam prædicti Com. quam Vic. coram eiſdem Juſtic. venerunt ad præcepta eorundem Juſtic. audiend. & perficiend. prout decet, qui quidem Juſtic. habita eorum præſentia*, eorum corpora cuſtodiri, et in priſona Domini Regis poni præceperunt, ad quorum præceptum ita factum eſt, nulla mentione facta ob quam cauſam hoc fecerunt, nec aliquo Waranto oſtenſo quod ſic faciendi poteſtatem habuerunt. *Et poſtea per quendam* Johannem de Exon. *Ballivum prædicti Epiſcopi, et Jur. patriæ illius, & inimicos prædicti* Richardi Bylon *Clerici, coram ipſis venire fecerunt, & per eorum Sacramentum nulla calumpnia aperte ipſius* Richardi Bylon *allocata inquiſierunt, ſi idem* Richardus *fuit culpabilis de latrocinio*, viz. *de quadam vacca furata, qui quidem Jur. ipſum inde acquietaverunt.* Et poſtea idem Epiſcopus impoſuit ei malicioſe, quod debuit maledixiſſe de Domino Rege et de ipſo Epiſcopo, ob quod idem Epiſcopus ipſum Richardum in priſona ſua apud Lanceaneton poni fecit, et per 46 dies et amplius ipſum ibi detinuit: Et poſtea ad priſonam ſuam apud Exon. deduci fecit; *quo audito quidam* Radulphus Bylun *frater ipſius* Richardi Bylun, *quoddam Breve Domini Regis* prædicto Epiſcopo directum *impetravit*, quod idem Epiſcopus corpus ipſius Richardi coram Domino Rege ad quendam certum diem haberet, quo omiſſo ipſum adhuc detinuit, et Dominus Rex ſecundo et tertio in forma prædicto ei mandavit. *Cumque idem Epiſcopus* tertio mandato Domini Regis perpendiſſet, *ſe ulterius non poſſe ſuperſedere*, ipſum Richardum in priſona ſua occidit, et occidi fecit, ita quod poſt hoc nullus rumor de eo auditus fuit, nec ſcirl poterit quo devenit. *Et prædictus* Radulphus *frater prædicti* Richardi, *præſens eſt*, et ipſum Epiſcopum præſentem de morte prædicti Richardi fratris ſui per verba de felonia appellavit. *Dicit etiam prædictus Comes, quod poſtquam prædicti* Johannes de Bello prato, *& alii Ballivi Domini Regis prædicti detenti fuerant, ſicut prædictum eſt*, idem Epiſcopus ipſos excommunicavit, et per ſententias excommunicationis graviter moleſtavit, per quod idem nec aliqui alii de Epiſcopatu ſuo in ſervicio dicti Com. in partibus illis auſi ſunt commorari; unde dicit, quod deterioratus eſt et dampnum habet ad valencium quinque millia librarum. Et hoc offert verificare, ſicut Curia conſideraverit, &c.

Et quia prædictus Radulphus prædictum Epiſcopum de morte prædicta appellavit, *dictum eſt prædicto Epiſcopo*, quod ſufficientem manucaptionem inveniat quod erit coram Domino Rege a die Sancti Michaelis in tres ſeptimanas, ubicunque, &c. ſuper Appellatio prædicto placitum Domini Regis receptur. Et idem Epiſcopus manucaptores ſubſcriptos invenit in forma prædicta; *ſcilicet*, Reytridus de Arundell, Richardus de Heywys, Willielmus Refferor, Bernardus de Bodbran, Johannes

de

de Treiagu, Petrus de Tregelou, Willielmus de Stapeldon, Laurentius de Arundell, Jordanus de Hatton, Johannes Loli, Walterus Germon, & Robertus le Flemmyng, *qui quidem Manucaptores* ipſum Epiſcopum prout decet in hujuſmodi Appellatione manuceperunt, &c. *An.* 6 *E.* 1.

Et Epiſcopus dicit, quod revera prædictus Johannes de Bello prato *& alii prædicti fecerant ei quandam tranſgreſ. ad quem tranſgreſ. audiend. & terminand. impetravit ipſe à Domino Rege, quod prædicti* Henr. & Thom. *ad partes illas accederent, & qui Officium ſuum ſuper hoc fideliter fecerunt, abſque hoc,* quod ipſe per eos aliquam injur. dictis *Johanni* & aliis fieri procuraſſet, *& de hoc voc. Record. rotulorum prædictorum Juſtic. Et de Brevibus Domini Regis ſibi directis pro prædicto Clerico, coram Domino Rege venire faciendo, dicit,* quod revera Dominus Rex ſuper hoc miſit diverſa Brevia, & ipſe ad quodlibet Breve ita ſufficienter reſpond. Domino Regi, quod omnino eidem Regi ſatisfecit, & de hoc voc. inde ad War. teſtimonium Domini Regis, & ſui Cancellarii. *Et ideo dictum eſt ei, quod ipſe habeat coram Domino Rege ad præfatum terminum, prædictum Recordum & prædictum Teſtimonium,* &c. Theſe proceedings are again repeated and recorded, *Rot.* 3, 4, 7, 8, 9, 10, 11. of the ſame year.

The Biſhop inſtead of reforming and forbearing theſe high illegal Uſurpations, Excommunications, and treaſonable, tyrannical proceedings againſt the Kings Prerogative, and the Subjects Rights, Liberties, upon theſe Informations and Judgements, after ſundry complaints againſt him, that he procured the Biſhop of *Bangor*, by command from the Archbiſhop, to come into the Dioceſs of *Exeter*, and to excommunicate all thoſe Clerks and others of what quality ſoever, who had complained to the Kings Juſtices, accuſed, or given evidence or verdicts before them againſt him, in every Pariſh Church on all *Lords-dayes* and *Holy-dayes*, with Bells ringing, Tapers burning and extinguiſhed; yea ſummoned many people of *Devonſhire* and *Cornwall* to appear before him, and to travel from one County to another, examining thoſe upon Oath, who had appeared before the Kings Juſtices upon their ſummons, (to ſerve the King and inform againſt the Biſhop for invading the Rights of the Kings Crown, violating his Laws, and injuring and oppreſſing his Subjects) who excited them thereto, and re-examining what the Juſtices had examined before them, againſt the Laws and Cuſtom of the Realm, to the ill example of other Prelates, and ſubjecting of the Kings Crown, Dignity, Laws, and peoples Liberties to the Biſhops Uſurpations. Moreover the Biſhop himſelf and his Officials Excommunicated the Under-Sheriff of *Cornwall*, and divers of the Kings and Earls Bayliffs, for arreſting Felons, and diſtraining him and other Clergymen for Debts and Amerciaments due to the King, till they releaſed the priſoners and diſtreſſes, and entred into Bonds to pay great ſums to the Biſhop; and ſome Bayliffs dying excommunicate, the Biſhop by his Officials caſt their corps out of the Churchyard when buried, till their Friends compounded with his Officers for great ſums of money to re-interr them, to the high contempt, diſhonour and dammage of the King, the Earl, County and People, the diſinheriſon of the Rights of the Crown, the prejudice of the Kings Officers, Service, and great diſcontent, terrour and oppreſſion of his people; as this new *Remonſtrance, Complaint* of the Earl and County of *Cornwall* againſt him to the King, informs us more at large, thus recorded in this Plea Roll.

Ceſte eſt la Monſtraunce le Conte de Cornewaille.

CUm a noſtre Seingnor le Roy e a ſa Corounе e a dignete reale, et nemis a la Curt de Seinte Egliſe apurtiegne la conſsance des plez le pleder, e les pleez tenir des Chateus, e de dettes ke ne ſont de Teſtament ou de Patrimoigne, e enſement de Lay feez, e Tenemenz, Foſſez, diviſes, Parks, Alvers, Peſcheries, deſtreſces en memes les choſes fetes, e les amendes des treſpas, par quey ne adgeres, a la Monſtraunce le Conte de Cornewaille, noſtre Seignor le Roy aveit enveez Sire *Roger Loveday* e *Wautier de Wymborne* en le Conte de *Cornewaille* ſes Juſtices aſſignez, a enquere Oir e Terminer ſolonc la Ley e la cuſtume de ſon Reaume, uns treſpas a noſtre Seingnor le Roy, e ſes Baillifs, e ſes Miniſtres, e al Conte de *Cornewaille*, e a ſes homes, e as pluſours de la comunante del Cuntee avauntdit, Ibid. Rot. 5.

An. 6 E. 1. avauntdit, fez par *Wautier* Eveſque de *Exeſtre*, ſus les choſes avauntdites. E cum les avauntdites Juſtices par la reſon de lur ofice, ſus memes les choſes feiſent ſolonc ceo ke par la lay e par la cuſtume du Reaume fuſt afert, **le avauntdit Ebeſke en apzes, pzocura e ad pzecure** e fet venir le Eveſque de *Landaf*, en le Eveſchee de *Exeſtre*, en le Countee avauntdit, e en le Cuntee de *Deveneſir*, e memes celi Eveſque de *Landaf* **par ſun pzocurement, ad fet par totes les Egliſes Parochieles del Ebeſchee avauntdite comunement par dimanches e ſour de feſtes, a chaundeles alumees, e ſeinz ſonauntz, denuncier eſcumengez par le autozite le Ercebeſque de** Cauntirbire, ſicum il diſt, touz ceus auſi bien lays com clers, de quel office ou dignete, ou de ozdze ke il fuſſent, ki al avauntdit Ebeſque de Exeſtre **abeint mis lenir crimes**; de la dignete le Roy blemye, ou de toztes, ou de homicides, ou de autres grevances e ledz, des queus choſes en la Curt noſtre Seingnoz le Roy devaunt ſes Juſtices avauntdits, le avauntdit Ebeſque de Exeſtre **fuſt enquerelez** ſolonc le uſage e la cuſtume du Reaume.

Eſus, ceo lavauntdit Eveſque de *Landaf*, par procurement lavauntdit Eveſque de *Exeſtre*, **fiſt ſomondze** ſus peine de eſcumenge e aſembler moult de gent de ſa Ebeſchee avauntdite del un e lautre Contee, e les tret apzes lay del un Cuntee en lautre encontre ler gre, e enquiſt par loz ſerment eſpeciaument des nous de ceus ke cel office de par noſtre Seingnoz le Roy feſeynt, e queus gens ceſte choſe fuirent ou pzocurerent e queus a la ſomonſe des avauntdites Juſtices, as avauntdites choſes Dir e Terminer aſſignez par comaundement noſtre Seingnoz le Roy vindzent. E des choſes ke les avauntdites Juſtices par autozite e le comaundement noſtre Seingnoz le Roy feſeint unes equeſtes, ſanuz de ces conſeiller noſtre Seingnoz le Roy, fiſt le avauntdit Ebeſque de Landaf, par pzocurement le avauntdit Ebeſque de Exeſtre, e par le craminement des Clers le Ebeſque de Exeſtre de cheſcone perſone ſeveraument par ſei eſſoz, a loz volonte non dument, en deſpit e pzeſudice de noſtre Seingnoz le Roy, e de ſa cozoune, e de ſa dignete reale, e la deſeritaunce de ly, e de ſes eyzes, e a greingnoz damage par pzoces de teuz ke houme ſeit certeinment ebier, e a graunt ſubjection de ſa cozoune ke ſeinte Egliſe, e tot le people en ſon Reaume doit giner, e ſuſticer, e au damage le avauntdit Conte, e de ſa gent.

E de ſicom la cozoune e la dignete noſtre Seingnoz le Roy, ne doit par autre eſtre ſuſtice, ne guyee ſi par le maines: E de ſi com les choſes ke ſont paſſez en ſa Curt par jugement ou en autre manere ſolonc la ley e la cuſtume du Reaume ne devient eſtre en autre Curt recreteez, pzie le Conte avauntdit a noſtre Seingnoz le Roy, pur la ſannete de ſa cozoune, e de ſa dignete, e de ly, e de ſoen people, ke ceſtes choſes ſoient adzeſcees, e amendees ſiſi ke autres pzelatz de ſeinte Egliſe de ceo autre feez ne eient enſaumple de nondement cele choſe ke a loz office ne apent mie enpzendze e fere, en pzejudice noſtre Seingnoz le Roy, e de ſoen people.

Derechef, cum lavauntdit Conte par agard e jugement de la Court noſtre Seingnor le Roy devaunt *Roger Loveday* e *Wauter de Wymborne* ſes Juſtices a ceo aſſignes, euſt recovere vers lavauntdit Eveſque par acheſon de uns treſpas al davauntdit Conte par le avauntdit Ebeſque fez, ſes damages de dis mile liveres, auſi cum vers cely ke fu nun defendu auſi bien des damages come des treſpas pzincipaus, par quey les damages ſolonc les Leys e la cuſtume du Reaume, ne duſſent eſtre tarez ne recopez, e come memes celi conte euſt de ceo bzefs de jugement au Viſconte de Cornewaille de fere lever ſes damages avauntdiz, un bzef contraire vint al avauntdit Viſconte, ke ſi de la avauntdit deſtreſce e del lever les damages, de tot ſeſaſt gelee taunt, ke il euſt autre comaundement, e ke les biens e les chateus meimes cele Ebeſque, par cele acheſon pzis ſaums de layſeiſt deliverer, par ce ke il ne ſu pas remembze ke les damages avauntdiz ſuſſent tazes a nule certeine ſumme d'aver. E de ſicom ſolonc la Ley e la cuſtume de Reaume nule tazation apent des damages ke ſont recoverez par non defens per lavauntdit Conte, ke ſes damages lyſſent levez ſaunz nule tazation, e les bzefs per quel il adeſſe de ceo diſturbe ſient repelez e defozmes defendeiz.

Le Cunte ſe pleint de ceo, ke *Wauter* le Eveske de *Exeſtre* par *Guy de Novaunt* e autres le mecredi procheyn apres la Feſte le an le Roy *Edward* ke ore eſt, ke deu gard, briſa, e fiſt briſer par le avauntdit *Guy* e ſes compaygniuns un cofre le Cunte

mis

mis en la Priurie de *Bomine*, par *Johan de Beaupre* Bailliffs le Cunte, e de lukes enpriſt e prendre fiſt par le avauntdit *Gwy* e autres, e encore deſtient atort e encuntre la pes le Roy, un eſcrit meime le Cunte enſemblement ou autres privetez, le quel eſcrit contint ke aukune gent de la Tere li furent tenuz afere certeyn ayde, e certeyn ſerviſe a la value de treis mile liures de argent, e de plus, atozt le priſt à prendre fiſt, e uncoze le detient, e encuntre la pes le Roy, en damage du Conte de treis mile liures e de plus. *An.* 6 *E.* I.

Ceo remuſtre le Cunte *Enmond* de *Cornewaille* Viſcunte le Roy de *Engleterr* de Fee, ke *Wauter* le Eveske de *Exeſtre* atozt a diſtozbe luy e ſez miniſtres a fere e a purſuoze lur office pur le Roy, e pur le Cunte, nomement en eſcumeiaunt Johan de Beaupre, Johan le Lung, Lucas Caillo, Willame de Roſtourek, Bailliffs le Roy, e le Cunte, par la reyſon ke meimes ceus firent areſter un Johan de Eſſe, endite au Turn de Viſconte par devaunt Cozon de recettement de Larons, e de Felons, e de mult autres treſpas fez encuntre la pes le Roy, le quel Johan de Eſſe Juſtiſer ne ſe voleit a la pes le Roy de eſter parunt, les avauntdiz Bailliffs le firent areſter, e pur ceo meime le Eveske avauntnome eſcumenia e eſcumeng fiſt les avauntdiz Bailliffs, e en ſentence les tint, deſks atant ke le avauntdit Johan fuſt deliure, e eus veint a la volente le Eveske, al annuitaunce de Cinkcenz liures e de plus par la reyſon avauntdite, dunt le ſerviſe le Roy e le Cunte, e lur Office eſt ariri, e la pes le Rey diſtozbé, e le ſerviſe le Cunte perdu en ceo, e en autre choſe, en huntage e en damage du Rey de Mile liures en huntage, e en damage du Conte de Cinkcenz liures e de plus.

Meſme cely Eveske eſcumenia *Michel Bloy* ——— Bailiffs de kerrir, pur ceo ke lis diſtreint le Eveske par ſun lay fee en ſa Baille, a bender ove le Cuntè ſi cu..... ..... auncienement ſoleit cum de amerciemenz par eire de Juſtices erraunz de meime cel Contè, dues al Rey, puis ke celi Michel fu mozt, fiſt le avauntdit Eveske le Mardi prochein avaunt la Feſte ——— le an ——— reniettre ſon cozs hozs de Cemitere, jeske Aleyn Bloyho frere le avaunt dit Michel, out ſet ſyn ove Meſtre Johan de Eſſe Official le Eveske, pur quarraunte foz, encuntre la dignite noſtre Seigneur le Rey, e en huntage e en damage del Cunte.

Meime celi Eveske eſcumenia Hammund Baillife de Pidriſchir, pur ceo qe il priſt les avers le Priur de Bomyne, en ſon Lay fé pur un amerciement, e apres le mozt meime celi Hammund le ——— prochein apres la Feſte ——— le an ——— fiſt engettre de Cimitere par Meſtre Johan de Eſſe ſon Officer le Cozs meime celi Hammund jeske Lucas de Chapelleyne frere meime celi Hammund eu fiſt ſyn ove le avauntdit Official pur quarraunte foz en deſpite du Rey, &c. e en huntage e en damage del Cunte.

Meime celi Eveske eſcumenia Oede de Tenuel ſus-Viſcunte le Roy en Cornewaille e Baillif le Cunte, pur ceo ke il priſt diſtreſſes en le Lay Fé le Eveske, e le Priur de Bomyne pur dette due au Rey par commandement le Roy, e le tint eſcumenge par deus aunz, deske meime cely Oede, eut fet obligacium al Eveske de Cent liures, en deſpit du Roy, &c. e en huntage e en damage del Conte.

Le Conte ſe pleint de ceo ke le Eveske *Wautier* par lui e Meſtre *Johan de Eſſe* e autres ſes Officiaus ke il a pleide e fet pleider par les avauntdiz plez e atachemenz en la Curt Creſtein ke duſſent eſtre euz al Cuntè de Cornewaille pleidez e terminez, ou meime le Conte eſt Viſconte le Rey de Fé, e les eſpleys demeyne les plez e atachemenz come de amerciemenz, e autres choſes prendre ſoleyt e devoyt, nomement de champys eſkopez, Ewes treſtornè, bundes briſés, Cri e Launk, chateus, e dettes, ſerbices e cuſtumes; nomeiment entre le avauntdit Meſtre Johan de Eſſe pleynaunt e Willame de Keſtel, Wautier Hay, e Peris Baudin defendaunz de Cuſtumes e de Serbices. E entre Clement de Trechenheks, Johan. Baudin, e Richard de cri e de launk, E entre Rauf Blundel, e Wautier le Taverner, de plap de Covenant de terre e de tenement, e entre de autres communement punis le tens ke il a eſte Conte, en damage e en deſeritefon del Conte, &c.

Meime le Conte ſe pleint, de ceo ke meime le Eveske a reint e fet reindre ſes bileins e ſes tenauns des Maners de Branel, Tybeſte, Seint Eure, Moreske, e de pluſurs autres luis, et amuntaunce de deuz cenz liures, ou de plus pur un ſablun priz pur lur teres amendére, la ou la mer munte e recreiti ouſſe Seint Melor, le quel ſablun eſt commun a tote gent, en damage del Conte, ke de la grevaunce ſa gent, ke de ſes teres nient aprowés, &c.

An. 6 *E.* 1. By this memorable Record, Petition, Remonstrance, Complaint, and others preceding and following, it is most evident: 1. That our Bishops, with their Officials, Archdeacons, Deans, and other Officers in this age, endeavoured to usurpe and engrosse all sorts of Temporal Causes into their own hands, and Spiritual Courts, to fulminate Excommunications, with other Ecclesiastical censures against them for Civil offences, extort moneys, bonds, and impose pecuniary Fines upon them, to the great prejudice of the Kings Prerogative, and peoples intollerable vexation. 2ly. That they endeavoured to exempt themselves from all secular and Regal Jurisdiction or Censures, for such Exorbitances or Usurpations, and to subject themselves wholly or principally to the Popes Judicature, to which they appealed from the Kings Justices, who was ready to protect, comply with them against the King and Subjects. 3ly. It is observable, That the King by his Attorney declared the dammages he sustained by these several Usurpations of this Bishop upon the Rights of his Crown and peoples Liberties, to amount to no lesse then Thirty One Thousand Pounds, which he had Judgement to recover against him; that the Earl of *Cornwall* declared his dammages thereby received, to amount to Ten Thousand Pounds, for which he had likewise Judgement, and a Writ of Execution against him; and the Shieriff of *Cornwall* One Hundred Pound dammages awarded against the Bishop, for his injurious Excommunication denounced against him; besides the Thousand Pounds dammages to the King and Earl, specified in the last Remonstrance: Which presidents if strictly pursued, would deterre all Bishops, with their Chancellors, Commissaries, Officials, from the like Usurpations and injurious Excommunications, since revived, continued, to the Kings dishonour, and the peoples unsufferable vexation. 4ly. That this Bishop by way of revenge, caused the Pope and Archbishop of *Canterbury* to Excommunicate and Interdict those of *Cornwall*, who complained against, and prosecuted these Usurpations, Oppressions of the Bishop and his Officers; who after two years contest, to avoid the Judgements given against him upon the premised Verdicts by the Kings Justices, solicited Queen *Alienor* and the Bishop of *Bath* and *Wells* (then Chancellor of *England*) to become Arbitrators, to make a final accord and release of all Suits, Judgements, Differences pending between him and the Earl of *Cornwall*, their Officers and Tenants, in all Temporal or Ecclesiastical Courts whatsoever; which they accordingly did, as appears by this their award made between them, to the Earls and Kings great disadvantage, by the Chancellors power, who favoured his brother Bishop, and caused this award to be entred on Record in his favour *An.* 8 *E.* 1. which I shall here insert.

Clauf. 8 E. 1. m. 4. dorso. De dissentionibus inter Episcopum Exon. & Edmundum Comitem Cornubiæ.

CUM dissenciuns & divers contekes eyent este entre le honourable Pere *Wauter* par la grace de Deu Eveske de *Excestre*, e le honourable Peer *Edmund* Conte de *Cornewayll*, e levantdit Eveske e le Conte des conteks avantditz se seyent mys en le dit e le ordenement de noble Dame *Alienore* par la grace de Deu Reyne de *Engleterre*, Dame de *Hirland*, e Ducheesse de *Aquitayne*, e de le honourable pere *Robert* par memes le grace Eveske de *Ba.* e de *Welles*, e eyent grante ke il tendrunt lur dit de haut e de bas des conteks avantdiz. Puis a la requeste des parties, lavantdite Reyne e lavantdit Eveske de *Ba.* unt dit e ordine, ke tuz conteks e descors mulz entre eus avant ceus oures, ou ke purrunt estre mulz par nule manere de play ou jugement passe entre eus, ou par sentences ou par prise des avers, ou par nule manere de achesun ke eyt este enter eus avant ceus oures, seyent des ore mes relessez, issi ke lavantdit Contez ne puis demander de lavantdit Eveske dis mile liures ne nul dener par la reson de un Jugement rendu par Sire Rogger Loveday, e Sire Wauter de Wymburn. Ne deus mile mars ke lavantdit Eveske gaga autre fiez a lavantdit Conte, ne action puisse aver vers lavantdit Eveske, ne vers nul de soens par nule manere de trespas ke eyt este fet avant ceste houre. Dient ensement e ordeynent, ke lavantdit Conte doyne a la vantdit Eveske Deus Cent Mars, e lavantdite Royne doynt Cent Mars pur les dammages ke il ad eu par une prise de avers fet en *Cornewayll* par le Viscunte de memes le Cunte par la reson de un bref de jugement; dunt il paiera la moite a la fest de Saint *Joban le Baptist* procheyn avenir a *Londres*, e lautre moite a la fest Saint *Michel* procheyn suant. E lavantdit Evesk des ore mes rien ne purra demander de lavantdit Conte des avantdiz avers, ne de ses dammages, ne accium ne purra aver vers ly nevers nul de soens, par nule manere de trespas ke eyt

eyt eſte ſet ayant ces oures. E eſtre ceo ke avantdit Eveske de *Exceſtre* a la requeſt de lavantdite Royne e lavantdit Eveske de *Ba.* ad repele tutte manerés de ſentences donez en la gent lavantdit Counte par acheſon des conteks abantdiz, e ad pzemis de bone ſey, ke les ſentences ke ſunt donez par le Apoſtoyll, ou par le Ercebesk de Canterburs, par ſa ſeute ou ſon pzocurement, e par les ſoens, il mettra ſon poer e ſa tele peyne ke cele ſentences en le Curt le Roy par commune ley, ou en Curt Creſtiene de memes les choſes, iſſi ke le Conte ne eyde ne ſuſteyne par ly ne par les ſoens, ſa ſeut vers le Eveske, ne il ayde ne ſuſteyne par ly ne par les ſoens ſa ſeut encuntre lavantdit Cunte. En teſmoyne de la quele choſe lavantdite Royne e le avantdit Eveske de *Ba.* a ceſt eſcriſt unt fet mettre loure ſeus. E un eſcriſt de ſuz lure ſeus unt fet liurer a lavantdit Eveske, e un autre a le avantdit Conte. E eſtre ceo ſi unt fet ceſte choſe enrouler en roules de la Chancelerye des Clers le Roy. Done a *Weſtmuſter* la veile de la Pentecoſte, le an du noſtre Seigneur le Roy huittime. *An.* 6 *E.* 1.

* *Ralph Holinſhed* in his Chronicle, and Biſhop *Godwin* in his Cataloge of Biſhops, *p.* 326. render us this further account of this Biſhop of *Exeters* frauds and oppreſſions. *He did by a Policy purchaſe the Lordſhip and Houſe of* Clift Sachfeld, *and enlarged the Barton thereof by gaining of* Corniſh Wood *from the Dean and Chapter fraudulently; building then a very fair and ſumptuous houſe there; he called it* Biſhops Clift, *and left the ſame to his Succeſſors. Likewiſe he got the Patronage of* Clift Fomeſone, *now called* Sowton, *and annexed the ſame to his new Lordſhip, which (as it was ſaid) he procured by this means. He had a Frier to be his Chaplain and Confeſſor, which died in his ſaid Houſe of* Clift, *and ſhould have been buried at the Pariſh Church of* Faringdon, *becauſe the ſaid Houſe was and is in that Pariſh; but becauſe the Pariſh Church was ſomewhat farre off, the wayes foul, and the weather rainy, or for ſome other cauſes, the Biſhop commanded the Corps to be carryed to the pariſh Church of* Souton, *then called* Clift Fomeſon, *which is very near, and bordereth upon the Biſhops Lordſhip; the two Pariſhes being then divided by a little Lake called* Clift. *At this time one* Fomeſon, *a Gentleman, was Lord and Patron of* Clift Fomeſon; *and he being adverti ſed of ſuch a Burial towards in his Pariſh, and a leech way to be made over to his Land, without his leave or conſent required therein; calleth his Tenants together, goeth to the Bridge over the Lake between the Biſhops Land and his; there meeteth the Biſhops men, bringing the ſaid Corps, and forbiddeth them to come over the Water.* The men nothing regarding the Pzohibition, do pzeſs fozwards to come ober the water, *and the others do withſtand, ſo long, that in the end,* my Lozds Fryer is fallen into the Water. The Biſhop taketh this matter in ſuch grief, that a holy Fryer, a Religious Man, his own Chaplein and Confeſſoz, ſhould be ſo unreverently caſt into the Water, that he falleth out with the Gentleman, and upon what occaſion I know not, be ſueth him in the Law, (in his own Eccleſiaſtical Court, where he was both party and Judge) and ſo vexeth and tozmenteth him, that in the end he was fain to yæld himſelf to the Biſhops devotion, and ſæketh all the waxes he could to curry the Biſhops good will, which he could not obtain, untill foz Redemption he had given up and ſurrendered his Patronage of Sowton, with a pæce of Land; all which the ſaid Biſhop annexed to his new Lozdſhip. Thus by Policy he purchaſed the Manour of Biſhops Clift; by a Device gaineth Corniſh Wood; and by Power wzeſteth the Patronage of Sowton from the true Owner. Yet becauſe he thus enlarged his Churches poſſeſſions and Juriſdiction by theſe unchriſtian frauds and oppreſſions, he was at his death (*July* 22. 1280.) cryed up for a moſt ſincere Father of the Church, an unparalleld Saint, worthy all love and honor, by this Epitaph engraven on his Tomb in our Ladies Chappel of *Exeter*, where he was buried. * Page 1303, 1304.

* Olim ſyncerus Pater, omni dignus amoze
Pzimus Walterus, magno jacet hic in honoze.
Quot loca conſtruxit, pietatis quot bona fecit,
Quam ſanctam duxit vitam, vox dicere quæ ſcit?

* Godwins Catalogue of Biſhops, p. 327.

* *Matthew Weſtminſter* ſtories, *Anno gratiæ* 1278. (the 6. of the Kings reign) Rex Edwardus Regiam dignitatem cupiens ampliare, multa famoſa Monaſteria per Angliam conſtituta, judicialiter libertatibus uſitatis et antiquis pzivavit: (as prejudicial

a Mat. Weſtm. Flores Hiſt. pars 2. p. 366.

An. 6 *E.* 1. judicial to his Crown) *Abbas igitur & Conventus* Westmonasterii *in quo* idem Rex Sacramenta Baptismatis, Confirmationis, et Coronationis susceperat, *in quo etiam patris sui bonæ memoriæ Regis* Henrici, *liberorumque suorum corpora sunt sepulta, libertatem de retorno Brevium,* quam specialiter per Cartas dicti Patris sui Henrici obtinuerant multis temporibus retroactis, post defensiones legitimas, *insistentibus Civibus* Londinensibus, ordinationi Regiæ submiserunt, quam tempore subsequenti Ecclesiæ supradictæ de speciali gratia Rex concessit; which the *Charter* and *Patent Rolls* of this year likewise attest.

b Mat. Parker, Antiq. Eccles. Brit. p. 196.

On the other hand [b] Archbishop *Kilwardby*, advanced meerly by the Pope, by his own Pontifical authority this year, without any Commission from the King, Totam Cantuariæ Provinciam bisitationis jure peragrabit, seque donis non imperitando, sed artificiose, ut fratres sui ordinis solebant, suadendo locupletabit. In hac bisitatione Academias ipsas Metropolitica authoritate ingressus est; & Oxonii *in Scholis, non modo de Theologia, sed de Philosophia, atque Logica argutè disceptavit. In quibus artibus multas* Oxonienſium *opiniones & sensentias tanquam minus probabiles reprehendit, atque refellit; quas opiniones* Johannes Peckam *qui eum in Archiepiscopatu proxime secutus est, institutæ Cleri Synodo, cum inania tantum & inepta sophisticorum essent deliria,* * tanquam hæreticas, et a fide Christiana abhorrentes, condemnabit.

* See Spelmanni Concil. Tom. 2. p. 347 348.

This Archbishop having gained much wealth by his Visitation, and other means in *England*; * *à* Nicholao 3. *Papa* Romam *ad præcium participandum accitus est, ab eoque Cardinalis* Hostiensis & Portuensis *Episcopus creatus est*; that so he might by his Papal Provision and authority conferr it on another, *who would pay well for it, and be sure to serve his turn upon all occasions,* without any previous consent of the King, or election by the Monks, as his predecessors had done in the cases of *Kilwardby*, St. *Edmund*, and *Stephen Langton* before, to the prejudice of the Kings Right and Prerogative, and Monks priviledge. In pursuit whereof, as [c] *Matthew Westminster* stories, *Archiepiscopus* Cantuariensis Robertus per Nicholaum tertium Papam, ab Archiepiscopatus onere absolutus, vocabatur ad Cardinalatus honorem. Post cujus vocationem, *Monachi* Cantuarienses *Dominum* Robertum Burnel Bathon. *&* Wellensem *Episcopum, Regis Cancellarium, postularunt*; cujus postulatio per Summum Pontificem quassabatur, et Frater Johannes de Pecham, Ordinis fratrum Minorum, vir perfectissimus in doctrina, per Romanam Curiam præficiebatur Ecclesiæ Christi Cantuariæ in Pastorem.

* Antiq. Eccles. Brit. p. 196.

c Mat. Westminster Flores Hist. pars 2. p. 366. See Chronologia Augustinensis, col. 2273. H. de Knyghton de Event. Angl. l. 2. col. 2460. l. 3. c 1. col. 2462. Polychron. l. 7. c. 38. Tho. Walsingham, Hist. Angl. p. 8.

That the Monks of *Canterbury* unanimously elected the Bishop of *Bath* and *Wells*, the Kings Chancellor, for their Archbishop, by the Kings direction, who approved, importuned, and commanded him to accept thereof, this Record assureth us.

Pat. 6 E. 1. m. 6. intus. De assentiendi postulacioni Cantuar.

REX Venerabili in Christo patri *R.* eadem gratia *Bathon.* & *Wellen.* Episcopo, Cancellario suo salutem. *Cantuar.* Ecclesia per electionem venerabilis patris *R.* quondam ejusdem Archiepiscopi in *Portuensem* & Sanctæ *Ruffinæ* Cardinalem Episcopum assumpti, pastoris solacio destituta, dieque ad providendum de pastore ipsi Ecclesiæ assignata, Prior & Conventus disponente illo per quem vocari debent ad Pontificium Sacerdotes, vos unanimiter in suum pastorem et Archiepiscopum postularunt, verum quia nobis summe cordi existit quod postulacioni hujusmodi assentiatis, rogamus in quantum possumus mandata precibus adjungentes, quatinus eidem postulacioni assensum vestrum sine more dispendio præbeatis. Et ut hoc libencius faciatis, has literas nostras vobis mittimus patentes. Teste ut supra.

* *Matthew Parker* Archbishop of *Canterbury* writes thus of *Kilwardby* his translation, Cantuariensi *Archiepiscopatui non tàm sponte cessit, quàm ut alium sui ordinis atque loci virum illius scaturiginis minorum in* Anglia *fratrum sicut ipse fuerat Provincialem,* loco suo a Papa surrogari procuraret. *Horum igitur fratrum auctu, & Monachorum extenuata tàm Regi quàm Papæ gratia, cum* Robertus, *ex illo fratrum grege,* Cantuariensi Archiepiscopatui cessisset, Papa eundem Archiepiscopatum Johanni Peckam, Monachis Cantuariensibus non modo non requisitis, sed etiam invitis contulit, eumque sine Suffraganeorum præsentia Romana in Curia consecrabit. *Nam Monachi* Johannem Burnel Bathoniensem *Episcopum, necnon Cancellarium postulaverant;*

* Antiq. Eccles. Brit. p. 196. & Godwins Catalogue of Bishops, p 75.

stulaverant, qua postulatione spreta et contempta, Johannes in Archiepiscopatum Papali voce tanquam fulmine immissus est. The Chancellor, Bishop *Burnel*, being very wealthy, chusing rather to recede from his right to the Archbishoprick, then to contest it with the Pope, or *Peckam*, to avoid the Popes displeasure; and the King then needing the Popes favour to promote his forreign affairs, was content to connive at this Papal usurpation for the present. *An.* 6 *E.* 1.

Our Records inform us; 1. That the Archbishoprick of *Canterbury* became *ipso facto* voyd in Law, by this Popes creating *Kilwardby* Cardinal of *Ostia*, and translating him to the Bishoprick of *Portua*; whereupon the King forthwith committed the Custody of the Temporalties, and presented to Livings becomming voyd by this his translation. On which [d] *Polydor Virgil* hath this special observation; *Hinc cernere licet apud nostros Pontifices* aliquid spurceri fuisse, cum per legem paucis liceret duas simul obtinere Provincias, quando Robertus Portuensem Episcopatum consecutus, se Cantuarienti abdicabit. O legem nunc prope eversam, nam quisque pro opibus, pro potentia, plures habent Episcopatus, ut nullum illorum (ita credere par est) recte gubernent; qui talem commissi gregis curam non officio, sed atque Deo cupiditate metiri videntur. A sharp, but true censure of this abuse by the Popes own Collector of *Peter-pence* in *England*, when he penned his History. 2ly. That the King out of *special grace* and *favour* to this translated Archbishop, granted him liberty to receive the rents of several Livings he had reserved to himself, after his translation, belonging of right to the King by the vacancy; and received the stock of the Archbishoprick from him, at the same rate he received it upon his installment from the Guardian of the Temporalties: I shall present you with some of these Records to these purposes.

[d] Hist. Angliæ l. 17. p. 322.

REX Custodi Spiritualitatis Archiepiscopatus *Cantuar.* sede vacante salutem. Ad Ecclesiam de *Harwrs* vacantem, & ad nostram donacionem spectantem, ratione Archiepiscopatus prædicti vacantis, et in manu nostra existentis; dilectum Clericum nostrum Magistrum *Galfridum de Everley* vobis caritatis intuitu præsentamus; Rogantes quatinus ipsum ad Ecclesiam illam admittatis, & personam instituatis in eadem. In cujus, &c. Teste Rege apud *Glouc.* 8 die *Aug.* Pat. 6 E. 1. m. 6. intus. De Præsentacione

EGidius *de Audenard* habet literas Regis de præsentacione ad Ecclesiam de *Cherringes* vacantem, & ad donationem Regis spectantem, ratione Archiepiscopatus Cantuar. vacantis, et in manu Regis existentis. Et diriguntur literæ Custodi Spiritualitatis Archiepiscopatus prædicti sede vacante. Teste Rege apud *Rothelan.* xi. die *Sept.* Ibid. m. 6. intus. De Præsentacione.

REX dilectis & fidelibus suis *Radulpho de Sandwico*, & *Willielmo de Saham*, Custodibus Archiepiscopatus Cantuar. sede vacante salutem. Mandamus vobis quod hac vice, de gratia nostra speciali, habere faciatis Venerabili patri *R. Portuensi* Episcopo, Sacrosanctæ Romanæ Ecclesiæ Cardinali, nuper Archiepiscopo Cantuar. porcionem agistamenti pasturæ, à festo Paschæ usque ad festum Pent. quæ cessit bajulacioni Crucis Archiepiscopatus illius pro rata temporis sui: faciatis eciam habere eidem Episcopo de gratia nostra prædicta, viginti et quinque libras, de termino Paschæ prædicto de quinquagintis libris annuis, pro quibus idem Episcopus dimisit quandam culturam terræ quæ vocatur *Oxenhall*, infra manerium de *Aldington*, Præposito suo ibidem sibi solvend. ad duos terminos, videlicet, unam medietatem ad festum Pentecostes, & aliam medietatem ad festum Sancti *Michaelis*, pro rata temporis sui prædicti. Faciatis eciam habere eidem Episcopo de eadem gratia nostra octo libr. de termino supradicto de sexdecim libris, pro quibus idem Episcopus dimisit terram de *Shirle* Præposito suo, ibidem sibi solvend. ad terminos supradictos. Et nos vobis inde debitam allocacionem seu quietanciam habere faciemus. Teste Rege apud *Clarendon.* xxvi. die *Julii.* Claus. 6 E. 1. m. 6. intus. Pro Portuensi Episcopo.

MAndatum est Custodibus prædictis, quod recipiant a Venerabili Patre *R. Portuensi* Episcopo Sacrosanctæ *Romanæ* Ecclesiæ Cardinali, nuper Archiepiscopo *Cantuar.* boves et scottos, ad carucas Maneriorum Archiepiscopatus prædicti in denariis, prout idem Archiepiscopus eos recepit a Magistro *Richardo de Clyfford* dudum Ibid. m. 6. intus. De bobus & Scottis Maneriorum Archiepiscopatus Cant. recip.

An. 6 E. 1. dudum Custod. Archiepiscopatus ejusdem. Et hoc nullatenus omittatis. Et Rex eis inde debitam quietanciam habere faciet. T. ut supra.

* Antiq. Eccles. Brit. p. 197, 198.

[a] *Matthew Parker* stories, that this new created Archbishop *John Peckam*, (who succeeded *Kylwardby*) before his advance to this See, Lugduni *cum esset*, juri civili atque Pontificio operam dedit; in quibus ut uberiores haberet progressus, Italiæ *Academias perlustravit. In his cum diuturnam operam posuisset multumque profecisset*, Romanam Curiam adiit: In qua causas tanta juris peritia tractavit, ut sacro Papæ palatio causarum auditor a Papa præficeretur. Gestu, incessu, et sermone glorioso et elato fuit. *Cumque* (after his consecration and mission to *Canterbury* by the Pope) *magna ex more solennitate atque pompa* Cantuariæ *in throno ac sede collocandus esset*, *literis suis* Winton. Exon. Wigorn. Bathon. Norwicen. Hereforden. Cicestren. Roffen. Landaff *Episcopos*, *Abbatesque ac Priores suæ provinciæ locupletiores interesse*, ac tam magnifico convivio carnem ferinam, volucres, pisces, et ejusmodi munera exhibere jussit. Monachi Cantuarienses hanc in Archiepiscopatu conferendo Papæ Nicholai injuriam, qui Regia æquissima jura ferre non poterant, inviti perpessi sunt. Hic frater Johannes (*ut* Robertus Kylwardby *in Concilio* Gregorii *decimi ante fecit*) subinde se Papæ creaturam; Papamque suum Creatorem agnoscit: Sed dirus ille Creator (which is worthy observation) suam creaturam in primo Archiepiscopatus ingressu, exactis quatuor marcarum millibus, diripuit, peneque destruxit. *Qua de re his verbis ad Papam suum creatorem cujus cœlum* Romæ *situm cum omnipotentia existimabatur*, *scripsit.*

Nic. Trivet. Archiv. f. 157.

In literis ad Papam scriptis. Vide Archiv.

Verba ipsius Epist. in Archivis.

Ecce me creastis, et quanto creatura a suo naturaliter appetit perfici creatore, sic in meis oppressionibus censeo per vos recreandum. Sane nuper ad me pervenit cujusdam executionis litera horribilis in aspectu, et auditu terribilis, quod nisi infra mensem Mercatoribus *Lucanensibus* cum effectu de quatuor millibus marcarum quæ in Romana Curia contrari, satisfaciam, et tunc sum excommunicationis sententia innodatus, et in Ecclesia mea, et aliis majoribus, pulsatis campanis, accensis candelis, excommunicatus denuncier singulis diebus Dominicis et festibis. Hanc tam grandem solutionem impossibilem sibi futuram, rescribit. *Quoniam* & Robertus Kylwarby, *discedens Ecclesiæ* Cantuariensis *bona secum abstulisset*, *& ante eum* Bonifacius *ædificia Archiepiscopalia caduca & ruinosa reliquisset*, et Rex unius anni redditus retinuisset, *& sibi ad unius anni sumptus sustinendos mutua sumenda est pecunia. Quæ in* Angliam *jam crebris solutionibus exhausta, haberi vix aut ne vix quidem poterat. Et ad Gentilem quendam suum in* Romana Curia *familiarem scribit; se coactum ad accipiendum mutuo duo millia marcarum pro intronizationis suæ sumptibus, octavo idus* Octobris *proximi faciendis. Illa autem Papalis cautela, ut hi, quibus pecunias mercatoribus suis solvendas imperaret*, agnoscerent se ad suos usus mutuos primus accepisse, *non nova jam fuit, sed à* Rustando *quondam Papæ in* Anglia *quæstore callidissimo in usum, novo exemplo introducta.* Johannes *sæpè atque multa non modo Papæ, sed Cardinalibus suoque confratri, atque prædecessori* Roberto Kylwarby, *ut ab hac solutione liberaretur scripsit*; quod cum impetrare non poterat, *datus est ei post diuturnam intercessionem agre tandem unius anni ad solvendum dilatio. Interea* Robertus Kylwarby Anglicanis spoliis locuples, *in dignitatis suæ culmine positus, cujus æsturam perexiguo percepit tempore*, Romæ *vitæ functus est. Quo mortuo atque intestato, frater* Johannes Peckam ad Papam, qui intestatorum bona, pauperibus et piis usibus ipso jure Pontificio concessa sibi reservabit, de restituendis Cantuariensi Ecclesiæ 5000. marcas, quas Robertus Romam discedens ab eadem Ecclesia injuste abstulisset, *literas dedit. Ad quas etiam repetendas procuratorem* Anselmum *quendam suum constitutum cum multis ad Cardinales mandatis misit. Etsi mirum videri possit hominem satis astutum atque callidum, quique ipsas* Romanas *versutias longè edoctus tempore cognovisset, ejusmodi expectatione atque spe decipi voluisse. Præsertim cum suo exemplo, ex antedictis quatuor marcarum millibus*, Papam non reddendis, sed exigendis rationibus assiduam dare operam, *intellexisset. Sed dum hac petitione liberari se saltem ab illa* 4000. *marcarum præstatione sperabat*, pro eisdem solvendis, literis nobis Papales execrationes minantibus illico interpellatus est. *Quo quasi imperato sibi silentio re perinde atque spe excidens deinceps conticuit.* Thus the Pope preyed upon his own creatures, and they upon the Church of *Canterbury*, and *England* in that age.

Nota.

King

King *William* the Conqueror, conferring the Advowſon of the Church of *Eſhe-burne* on the Dean and Chapter of *Lincoln*; which many Deans enjoyed as appropriated to the Deanery of *Lincoln* by ſundry Biſhops of the place, and the Popes Bulls, without the Kings ſpecial licenſe and aſſent; King *Henry* the 3. notwithſtanding their appropriation, and long enjoyment thereof (ſince *nullum tempus occurrit Regi*, and no impropriation could be made by the Biſhop or Pope without the Kings ſpecial licenſe, of any Advowſon, eſpecially in the Crown) recovered the preſentation thereof in an Aſſiſe of *Darreign preſentment*, by a Judgement given by his Court and Judges at the Tower againſt the Biſhop, Dean and Chapter; and thereupon granted it to the Abbot and Monks of *Valle Rojall*; till King *Edward* the 1. upon their reſignation of it to him, reſtored and confirmed the future impropriation to the Dean and Chapter of *Lincoln* by his Patent; as this Record atteſts. *An.* 6 E. 1.

REX Archiepiſcopis, &c. ſalutem. Sciatis quod cum Dominus *Willielmus* quondam Rex *Angliæ*, Caritatis intuitu, & pro ſalute animæ ſuæ, & animarum anteceſſorum & hæredum ſuorum, per Cartam ſuam dediſſet & conceſſiſſet Deo & Eccleſiæ beatæ *Mariæ Lincoln.* Advocationem Eccleſiæ de *Eſheburn.* in antiquo Dominico Coronæ *Angliæ* ſitæ; quam Eccleſiam plures Decani *Lincoln.* per loci Dioceſanos et ſedem Apoſtolicam Decanatui *Lincoln.* poſtmodum appropriatam, in propios uſus pacifice poſſederunt; quouſque celebris memoriæ Dominus *Henricus* Rex pater noſter in Curia ſua apud Turrim *London.* per conſiderationem ejuſdem Curiæ ſuæ per breve ultimæ præſentacionis recuperaſſet præſentationem ſuam ad eandem Eccleſiam de *Eſheburn.* verſus Epiſcopum et Decanum ac Capitulum Eccleſiæ *Linc.* Cujus Eccleſiæ Advocationem ab eodem Patre noſtro poſt prædictæ præſentationis recuperationem nobis datam, per Cartam noſtram inter alia in eadem Carta noſtra contenta, dedimus & conceſſimus Deo & beatæ *Mariæ*, & Eccleſiæ tunc de *Dernhale*, nunc de *Valle Regali* vocatæ in Com. *Ceſtriæ*, quæ eſt de fundatione noſtra, necnon & Abbati & Monachis ibidem Deo imperpetuum ſervituris. Cumq; venerabilis pater *R. Linc.* Epiſcopus, & dilecti nobis in Chriſto Magiſter *Oliverus de Sutton* Decanus *Lincoln.* ac Capitulum ejuſdem Eccleſiæ aſſerentes, ſe & Eccleſiam *Lincoln.* ex donatione prædicti Domini Regis *Willielmi* jus habere in advocatione dictæ Eccleſiæ de *Eſheburn.* ipſam advocationem coram nobis et noſtro conſilio petiviſſent, & iidem Abbas & Conventus de *Valle Regali* pro ipſis & ſucceſſor. ſuis, tam ad noſtram inſtanciam & requiſitionem præfatam advocationem Eccleſiæ de *Eſheburn.* per Cartam ſuam reddiderint, dimiſerint, conceſſerint, & quietum clamaverint nobis & hæredibus noſtris, de ſe & ſucceſſoribus ſuis imperpetuum. Nos donacionem advocationis dictæ Eccleſiæ de *Eſheburn* per prædictum Dominum Regem *Willielmum* Deo & Eccleſiæ *Lincoln.* factam ratam habentes & firmam, & ſi quid in ea diminutum fuerit, pro ſalute animæ prædicti Regis, patris noſtri, ac animarum progenitorum & hæredum noſtrorum, per præſentem Cartam noſtram ſupplere volentes, Advocacionem ejuſdem Eccleſiæ, et omnium Capellarum ad eam ſpectancium, dictis Epiſcopo, Decano & Capitulo *Lincoln.* ut jus ſuum reddidimus, & inſuper eandem advocacionem eis pro nobis & hæredibus noſtris damus, concedimus, & quietam clamamus. Habend. & tenend. eiſdem Epiſcopo, Decano & Capitulo, & ſucceſſoribus ſuis quietam de nobis & hæredibus noſtris, abſque reclamatione aut impedimento noſtri vel hæredum noſtrorum imperpetuum. Ita quod eandem advocationem Eccleſiæ de *Eſheburn.* tum ſuis Capellis rehabeant, & ſibi & ſucceſſoribus ſuis retineant, ſicut eorum prædeceſſores eam melius & quiecius unquam tenuerunt; Quare volumus & firmiter præcipimus pro nobis & hæredibus noſtris, quod prædicti Epiſcopus, Decanus & Capitulum Eccleſiæ beatæ *Mariæ Lincoln.* prædictam Advocationem Eccleſiæ prædictæ de *Eſheburn.* cum ſuis Capellis habeant & teneant, ut jus ſuum ſibi & ſucceſſoribus ſuis quietam de nobis & hæredibus noſtris, abſque reclamatione ſeu impedimento noſtri vel hæredum noſtrorum imperpetuum. Ita quod eandem Advocationem Eccleſiæ de *Eſheburn.* cum ſuis capellis rehabeant, & ſibi & ſucceſſoribus retineant, ſicut eorum prædeceſſores eam melius et quiecius unquam tenuerunt. Quare volumus & firmiter præcipimus pro nobis & hæredibus noſtris, quod prædicti Decanus & Capitulum Eccleſiæ beatæ *Mariæ Lincoln.* prædictam advocationem Eccleſiæ prædictæ de *Eſheburn.* cum ſuis Capellis habe-

Cart. 6 E. 1. m. 3. intus. Pro Decano & Capitulo Lincoln. de advocat. Eccleſ. de Eſheburn.

An. 6 *E.* 1. habeant & teneant, ut jus suum sibi & successoribus suis quietam de nobis & hæredibus nostris, absque reclamatione seu impedimento nostri, vel hæredum nostrorum imperpetuum. Ita quod Advocationem illam habeant & teneant sicut eorum prædecessores eam melius & quiecius unquam tenuerunt sicut prædictum est. Hiis testibus venerabilibus patribus *Tho. de Cantilupo Heref.* & *Willielmo de Middelton Norwyc.* Episcopis, *Willielmo de Valenc.* Avunculo nostro; with sundry others.

Lewellen Prince of *Wales* doing some injuries to the prejudice of the Rights and Liberties of the Bishop and Church of *Bangor*, and Abbot of *Basingwerk*; the King writ to him to use them as became a Prince, and to make an Accord between them; which he taking in ill part, and misinterpreting; the King thereupon sent this Letter to him, expressing both his Regal care and duty to defend their just rights and priviledge, and to do them justice, in case he proceeded in his injuries, and expounding the meaning of some clauses in the agreement between him and this Prince.

Rot. Wallix 6 E. 1. m. 10. dorso.

REX dilecto & fideli suo *Lewelino* fil. *Griffini* Principi *Wallie*. Ea quæ de negociis venerabilis patris *A. Bangorensis* Episcopi vobis nuper mandavimus, non ob id quod libertates vestras in aliquo diminui, seu juribus vestris aliquatenus derogari vellemus vobis significavimus, set ut inter vos & ipsum Episcopum prout honori vestro congruit, pacem & concordiam foveremus, ne ipse de aliquo quod libertates aut jura Ecclesiæ suæ lædere posset, de vobis justam materiam habere posset conquerendi. Propter quod vos rogamus, quod jura Spiritualia et Temporalia ipsius Episcopi (protegatis) et tam curialiter et modeste sicut Principem decet, vos geratis erga ipsum, quod ex hoc honor vobis accrescat, et a Deo retributionem condignam mereamini reportare. Cæterum nobis non displicet, quod vos de Abbate de *Basingwerk* exigitis ea quæ vos & prædecessores vestri semper hactenus juste & pacifice percipere consuevistis, set intencionis nostræ fuerat cum pro ipso vobis scripsimuss, vobis ea pocius suadere quæ ad honorem vestrum spectare noscuntur, quam eidem Abbati aliquam immunitatem præstare ad id faciendum, quod ipse & prædecessores sui vobis & progenitoribus vestris semper hactenus juste & debite facere consueverunt. Verumtamen vos rogamus, quod ab ipso alia non petatis, quam ea quæ juste et debite petere debetis, et hactenus percipere solebatis, et ipsum adeo humaniter tractetis, quod ad justam querimoniam suam, cui sicut nec cæteris de regno nostro in justitia deesse non possumus, nos non oporteat Justiciariis nostris ibidem demandare, quod auditis suis querimoniis sibi fieri faciant justicæ complementum. Articulum autem pacis inter nos & vos initæ, de quo vestræ literæ mencionem faciebant, videlicet de placitis & controversiis in Marchia & *Wallia* audiendis & terminandis, aliter non intelligimus, nec intelligi potest, quam temporibus prædecessorum nostrorum Regum *Anglie*, & etiam temporibus nostris semper hactenus usitatum extitit & consuetum; nec eciam aliud ex verbis pacis elici potest, nisi quod controversiæ & contenciones motæ in Marchia secundum Leges Marchiæ, & illæ quæ in *Wallia* oriuntur, secundum leges *Wallen.* audiri & terminari debent, ad certos dies & loca quos nos ibidem partibus duxerimus præfigendos. Et idcirco coram Justic. nostris in partibus illis, ad dies et loca quos ipsi vobis scire facient, coram ipsis venietis, ad faciendum & recipiendum quod justicia dictaverit secundum leges supradictas. Alia autem vera illius articuli interpretacio fieri non potest, nec aliud unquam intelleximus aut intelligimus in hac parte, sinistra siquidem ad alicu jus falsam suggestionem de vobis non credemus, set pocius speramus quod facta dictis compensabitis, et erga nos et nostros semper fideliter vos geratis. Teste Regis apud *Windes.* xiv. die *Julii*.

David ab Eynun having bought corn in *Anglesey* within the Diocesse of *Bangor*, which others claimed and set a Crosse upon, according to the custom of those parts, so that he could not dispose of them, without incurring the Bishops censure, the King thereupon commanded the Bishop to take off the Crosse, and deliver him the corn by this Writ.

REX

An. 6 E. 1.

Rot. Walliæ, 6 E. 1. m. 12. dorso.

REX Venerabili in Chriſto patri *A. Bangorenſi* Epiſcopo ſalutem. Quia ex querimonia *David ab Eynun* accepimus, quod quidam de partibus illis aſſerentes, quædam blada quæ idem *David* à *Willielmo Burnell* & hominibus ſuis emit in *Angleſey* veſtræ Dioceſis, dum fuerunt ibidem in ſervicio noſtro, ſua eſſe, quandam Crucem ſuper blada prædicta, prout moris eſt in partibus illis, apponi fecerunt; occaſione cujus Crucis prædictus *David* aliquam adminiſtracionem de bladis illis habere non poteſt. Vobis mandamus rogantes, quatinus Crucem prædictam amoveri, et eidem de bladis prædictis liberam adminiſtrationem habere faciatis. Et ſi quid inde captum fuerit, id eidem reſtitui faciatis. T. Rege apud Turrim *London.* iv. die *Jan.*

What Archdeaconries and Præbendaries the King this year beſtowed in *Ireland*, theſe Records will inform us.

Pat. 6 E. 1. m. 6. intus. De Archidiaconatu Dublin. & de Præbenda datis.

REX dedit & conceſſit Magiſtro *Galfrido de Aſpal.* Archidiaconatum *Dublin.* cum pertinentiis, una cum præbenda de *Raffernan.* eidem Archidiaconatui annexa, vacantem, et ad donationem Regis ſpectantem, ratione Archiepiſcopatus Dublin. vacantis, et in manu Regis exiſtentis. Teſte Rege apud *Macclesfeld* xxviii die *Septemb.* Et mandatum eſt Decano & Capitulo Sancti *Patricii Dublin.* quod eidem Magiſtro *Galfrido* ſtallum in choro, & locum in Capitulo, ratione præbendæ prædictæ, prout moris eſt, aſſignent. T. apud *Shotwik.* 17 die *Sept.*

Ibidem, De Archidiaconatu Dublin. dato.

REX dilectis ſibi in Chriſto Decano & Capitulo *Dublin.* ſalutem; Sciatis, quod dedimus et conceſſimus dilecto Clerico noſtro Magiſtro *Galfrido de Aſpel.* Archidiaconatum *Dublin.* per mortem *Willielmi de Salinis* nuper Archidiaconi ejuſdem loci defuncti vacantem, et ad donacionem noſtram ſpectantem, ratione Archiepiſcopatus *Dublin.* vacantis, et in manu noſtra exiſtentis. Et ideo vobis mandamus, quod eundem *Galfridum* vel ejus procuratorem ipſius nomine in poſſeſſionem Archidiaconatus prædicti cum pertin. prout moris eſt, inducatis. In cujus, &c. Teſte ut ſupra.

The King ſending *Franciſcus Accurſius* and other Meſſengers to *Rome* about his affairs, iſſued theſe Writs for furniſhing them with moneys, and payment of the Annual penſion of his Advocate in the Court of *Rome*, and to a Cardinal of *Rome*, granted to them til prefer'd by him to benefices of greater value then their Penſions.

Pat. 6 E. 1. m. 6. intus. De denariis Franciſco Accurſ. & ſociis ſuis nunciis Regis ad Cur. Romanam.

REX *Orlandino de Podio* & ſociis ſuis Mercatoribus de *Luk.* ſalutem. Mandamus vobis, quod de denariis noſtris vel veſtris in cuſtodia veſtra exiſtentibus habere faciatis, dilecto Clerico noſtro Domino *Franciſco Accurſi*, et ſociis ſuis nunciis noſtris ad Curiam Romanam proficiſcentibus, rationabiles expenſas ſuas quibus indigent in eundo, ibidem morando, et redeundo, ad expeditionem negotiorum prædictorum. Et cum ſciverimus quantum eis liberaveritis, nos debitam allocationem ſeu quietanciam vobis inde habere faciemus. Teſte Rege apud *Shotwik* xvii. die *Sept.*

Pat. 6 E. 1. m. 8. intus. Pro Magiſtro Angelo de Urbe Advocato Regio.

REX dilectis ſibi *Reynero Maglar. Orlandino de Podio*, & ſociis ſuis Mercatoribus de *Luk.* ſalutem. Cum dudum conceſſerimus dilecto Clerico noſtro Magiſtro *Angelo de Urbe*, Advocato noſtro in Curia *Romana* quingentas Marcas, percipiendas annuatim ad Scaccarium noſtrum, quouſque ſibi provideremus de Eccleſiaſtico beneficio valoris quater viginti Marcarum, et jam provideri fecerimus eidem de quodam beneficio valoris quinquaginta Marcarum, per quod conceſſimus, quod idem Magiſter *Angelus* ſingulis annis percipiat à nobis viginti marcas, quouſque dictam provisionem eidem compleberimus; Vobis mandamus, quod de denariis noſtris vel veſtris habere faciatis *Bartho Morchy* Mercatori *Senenſi*, Procuratori prædicti Magiſtri *Angeli* quadraginta Marcas de reſiduo prædicti feodi ſui de duobus annis, videlicet de annis Regni noſtri quinto & ſexto. Et cum pecuniam illam eidem liberaveritis, recipiatis ab eo literas ſuas patentes receptionem dictæ pe-

An. 6 *E.* 1. pecuniæ ad opus prædicti Magistri *Argeli* testificantes. Et nos vobis inde debitam acquietanciam seu allocacionem habere faciemus. Teste Rege apud *Wyndes.* x. die *Julii.*

Pat. 6 E. 1. m. 24. intus. Pro Domino M Sanctæ Mariæ in Porticu Diacono Cardinali.

REX omnibus ad quos, &c. salutem. Sciatis quod concessimus Venerabili Patri Domino *M.* Sanctæ *Mariæ* in *Portic.* Diacono Cardinali, septaginta Marcas singulis annis ad Scaccarium nostrum percipiend. videlicet unam medietatem ad Scaccarium nostrum *Pasch.* & aliam medietatem ad Scaccarium nostrum Sancti *Michaelis*, donec per nos eidem uberius provideatur. In cujus, &c. Teste Rege apud *Westm.* xviii. die *Jan.*

King *Henry* the 3d. having granted a license by his Patent to the Bishop of *Norwich* to make his Will, and freely to demise his goods, corn, chattels, without the interruption of him, his heirs or officers, and dying before the Bishop, he doubting of its validity in Law, procured this confirmation of it from King *Edward* the 1. with a proviso that his Executors should put in security to satisfie all debts due to the King, ere they administred or medled with his goods.

Pat. 6 E. 1. m. 25. intus. Pro Episcopo Norwycensi.

REX Omnibus, &c. salutem. Cum celebris memoriæ Dominus *H.* dudum Rex *Anglia* pater noster, venerabili in Christo patri *Rogero Norwyc.* Episcopo per literas suas patentes concesserit, ut de bonis et catallis suis libere posset condere Testamentum suum; Ita quod Executores sui Testamenti illius sine occasione et impedimento ipsius patris nostri et hæredum, Escaetorum, Vicecomitum, et omnium aliorum Ballivorum et Ministrorum suorum quorumcumque plenam et liberam inde habere possint administracionem ad executionem testamenti sui prædicti inde faciend. Nos concessionem prædictam gratanter acceptantes, præfato Episcopo concedimus pro nobis et hæredibus nostris quantum in nobis est, quod ipse hujusmodi testamentum suum licite condere et executores sui de bonis et catallis suis prædictis libere possint disponere, sicut prædictum est. Accepta tamen ab eisdem Executoribus sufficienti securitate, quod de debitis si quæ idem Episcopus die obitus sui nobis debuerit, ad Scaccarium nostrum fideliter respondebunt. In cujus, &c. Teste Rege apud *Turrim London* 8 die *Jan.*

The like license he granted to the Abbot of St. *Edmunds*, with the like Proviso, as this Patent manifests.

Pat. 6 E. 1. m. 24. intus. Pro Abbate de S. Edmundo.

REX Omnibus ad quos, &c. salutem. Dilectis nobis in Christo *Simon* Abbas de Sancto *Edmundo*. Nobis humiliter supplicavit, ut nos et licentiam concedere dignaremur, videlicet, quod ipse de bonis et catallis suis libere possit condere Testamentum suum. Ita quod Executores Testamenti sui, absque occasione et impedimento nostri, et hæredum nostrorum, Escaetorum, Vicecomitum, et aliorum omnium Ballivorum ac Ministrorum nostrorum, quorumcunque plenam et liberam inde habere possit administrationem ad executionem Testamenti sui prædicti inde faciendam. Nos autem precibus prædicti Abbatis favorabiliter inclinati, concedimus et pro nobis et hæredibus nostris, quantum in nobis est, quod idem Abbas hujusmodi Testamentum suum licite condere, et Executores Testamenti sui de bonis et catallis suis prædictis libere possint disponere, ac liberam administrationem habere, ad executionem dicti Testamenti inde faciendam, sine occasione vel impedimento nostri, vel hæredum nostrorum, Escaetorum, Vicecomitum, et omnium aliorum Ballivorum ac Ministrorum nostrorum, quorumcunque sicut prædictum est. Accepta tamen ab eisdem Executoribus sufficienti securitate, quod de debitis, si quæ idem Abbas die obitus sui nobis debuerit, ad Scaccarium nostrum fideliter respondebunt. In cujus, &c. Teste Rege apud *Westm.* 17 die *Januarii.*

Walter de Merton Bishop of *Rochester*, the Kings Chancellor, having made his Will by the Kings license, and owing several Debts to the King and Queen at the time of his death, the King thereupon seised all his Goods and Chattels, till his Executors had put in good security in the Exchequer to satisfie these Debts to him and

and his Queen; which done, he iſſued Writs to reſtore his Goods to his Executors, granted them protections, and ſummoned all endebted to him into the Exchequer, ſpeedily to pay the Debts they owed, to enable his Executors to perform his Will, by ſeveral Writs and Patents; which becauſe they more clearly expound the Statute of *Magna Charta* cap. 18. then Sir *Edward Cooks* Inſtitutes and Expoſition thereof, I ſhall here inſert for the benefit of thoſe of my Profeſſion. *An.* 6 *E.* I

REX Vic. *Sutht.* ſalutem. Quia bonæ memoriæ *W.* nuper *Roffenſis* Epiſcopus jam defunctus nobis & kariſſimæ conſorti noſtræ *Alianoræ* Reginæ *Angliæ*, **in diverſis debitis tenebatur die quo obiit, tibi præcipimus, quod omnes terras et tenementes quæ fuerunt prædicti Epiſcopi in Balliva tua, una cum omnibus bonis et catallis in eiſdem aut alibi in Balliva tua prædicta exiſtentibus, ſine dilatione capias in manum noſtram, et ea ſine aliqua diſtractione vel diminutione inde facienda, ſalvo cuſtodiri facias. Ita quod nullus ad ea manum apponat, donec aliud inde tibi præceperimus.** Teſte meipſo apud *Dovor.* primo die *Febr.* anno regni noſtri ſexto. Clauſ. 6 E. 1. m. 12. in Cedula.

Conſimilis litera directa eſt Majori & Vic. *London.* ſub eadem data.
Conſimilis litera directa eſt Vic. *Northt.* ſub eadem data.
Conſimilis litera directa eſt Vic. *Dorſ.* ſub eadem data.
Conſimilis litera directa eſt Vic. *Norff.* ſub eadem data.
Conſimilis litera directa eſt Vic. *Leyc.* ſub eadem data.

REX Vic. *Sutht.* ſalutem. Quia bonæ memoriæ *W.* nuper *Roffenſis* Epiſcopus jam defunctus nobis & kariſſimæ conſorti noſtræ *Alianoræ* Reginæ *Angliæ*, **in diverſis debitis tenebatur die quo obiit, et Executores Teſtamenti ſui ſufficientem ſecuritatem nobis jam fecerint de debitis illis, nobis et præfatæ Reginæ fideliter ſolvendis ut tenentur; tibi mandamus, quod occaſione alicujus mandati noſtri tibi directi, de bonis et catallis dicti defuncti arreſtandis occaſione debitorum illorum nullatenus omittas, quin dictis Executoribus de bonis et catallis quæ fuerunt dicti Epiſcopi, ubicunque inventa fuerint, in Balliva tua liberam adminiſtrationem ſine quolibet impedimento habere facias.** Et hoc nullatenus omittas. Teſte meipſo apud *Dovor.* 10 die *Febr.* anno regni noſtri ſexto. Ibidem.

Conſimilis litera directa eſt Vic. *Dorſ.* ſub eadem data.
Conſimilis litera directa eſt Vic. *Norff.* ſub eadem data.
Conſimilis litera directa eſt Vic. *Leyc.* ſub eadem data.
Conſimilis litera directa eſt Majori & Vic. *London.* ſub eadem data.
Conſimilis litera directa eſt Vic. *Northt.* ſub eadem data.
Conſimilis litera directa eſt Vic. *Kanc.* ſub eadem data.

REX Theſaurariis & Baronibus ſuis de Scaccario, ſalutem. Quia bonæ memoriæ *W.* nuper *Roffenſis* Epiſcopus jam defunctus nobis & kariſſimæ conſorti noſtræ *Alianoræ* Reginæ *Angliæ*, **in diverſis debitis tenebatur die quo obiit, ac Executores Teſtamenti ſui ſufficientem ſecuritatem nobis jam fecerint de debitis illis nobis et præfatæ Reginæ fideliter ſolvendis, ut tenentur. Ac plures de regno noſtro in diverſis debitis ei tenerentur dum viveret quæ jam diu ei ſolviſſe debuerant, et de quibus præfato Epiſcopo vel Executoribus prædictis hactenus in nullo ſatisfacere curaverunt, per quod Executores prædicti debita noſtra prædicta nobis et præfatæ Reginæ ſolvere, et executionem Teſtamenti prædicti facere nequeunt, ſicut ex ipſorum querela accepimus; Vobis mandamus, quod omnes debitores qui præfato Epiſcopo in aliquo debito tenebantur die quo obiit, coram vobis ad Scaccarium prædictum venire, et debita quæ præfati Executores rationabiliter monſtrare poterunt dicto defuncto deberi ab eodem die quo obiit, ſecundum quod citius et melius poteritis, ſecundum legem et conſuetudinem Scaccarii prædicti levari, et præfatis Executoribus habere faciatis ad debita noſtra nobis reddenda, et ad executionem Teſtamenti prædicti inde faciendum.** Teſte meipſo apud *Dovor.* 10 die *Febr.* anno regni noſtri ſexto. Ibidem.

REX Omnibus Ballivis & fidelibus ſuis ad quos præſentes literæ pervenerint, ſalutem. Sciatis, **quod ſuſcepimus in ſpecialem protectionem et defenſionem noſtram** Ibidem.

An. 6 *E.* 1. nostram Executores Testamenti quondam W. Rossensis Episcopi, terras, possessiones, res, redditus, bona etiam et catalla dicti defuncti, ubicunque fuerint in regno nostro. Et ideo vobis mandamus, quod prædictos Executores et Ministros, eorundem terras, possessiones, res, redditus, bona etiam et catalla dicti defuncti protegatis et defendatis, non inferentes vel inferri permittentes eisdem dampnum, impedimentum, molestiam seu gravamen, quo minus executionem dicti Testamenti libere et plenarie facere possint. In cujus rei testimonium has literas nostras fieri fecimus patentes quamdiu nobis placuerit duraturas. Teste meipso apud *Dover.* 10 die *Febr.* anno regni nostri sexto.

Ibidem. REX dilecto sibi Thesaur. *Novi Templi London.* Quia bonæ memoriæ *W.* nuper *Roffensis* Episcopus jam defunctus nobis & karissimæ consorti nostræ *Alianoræ* Reginæ *Angliæ*, in diversis debitis tenebatur die quo obiit; vobis mandamus, quod quandam cistam ipsius defuncti, una cum pecunia ea contenta, salvo et sine distractione aliqua, vel diminutione aliqua inde facienda, in manu nostra custodiri faciatis. Ita quod nullus ad eam manum apponat, donec aliud inde præceperimus. Teste ut supra.

In most of the Fine and Clause Rolls of King *Edward* the 1. I find sundry Writs of like nature, for delivering the Goods and Chattels of Bishops, Abbots, and also of Laymen who held of the King *in Capite*, on their Demesne Lands or elsewhere, seised by the Escheators, Sheriffs or Bayliffs of the King, for satisfaction of Debts and Duties owing to them, to the Executors of their last Wills and Testaments, only upon sufficient pledges or security given by them to the King, to satisfie all Debts and Duties owing to him in the first place; but I find no one president in any Records during his reign, nor before or after it, of any such Writs for restoring the Goods of any Bishop, Abbot, Tenant *in Capite*, or other Tenant of the King dying Intestate, to his Administrators: From whence it seems most apparent to me; 1. That Administrators of Bishops, Abbots, and other of the Kings Tenants dying Intestate, are not within the meaning or intention of that Act, but only the Executors of such of them who actually made Testaments in their life time, as the words, **quod clarum fuerit et residuum relinquatur Executoribus ad faciendum Testamentum defuncti**, most fully and positively declare. 2ly. That our Bishops and Canonists straining, extending this Law to Administrators of persons dying Intestate, and reputing the surplusage of their Estates, after their Debts and Duties satisfied, and Wives and Childrens shares deducted, to be *de* **Testamento**; and thereupon distributing them to such pious uses as they think meet, is a direct contradiction to the words and intention of this Act, and repugnancy in it self; *Testate & Intestate, Executoribus ad faciendum Testamentum defuncti, & Administratoribus Intestati ad faciendam voluntatem Ordinarii*, being as opposite and contradistinct to each other, as *Life* and *Death*, *Executors* and *no Executors*, *Testament* and *no Testament*; which all their Evasions to enlarge their Jurisdiction over Intestates Estates can never reconcile, no more then they can * *Light* and *Darknesse*, *God* and *Mammon*.

* Mat. 6 24. Luke 16. 13. 2 Cor. 6. 14.

William de Middleton being elected Bishop of *Norwich* during the vacancy of the See of *Canterbury*, the Monks of *Canterbury* at the Kings request consented he should be consecrated at *Lambeth*, upon the Kings, and his, and his Chapters Patents to them, that it should not be prejudicial to the Rights of their Church, or drawn into consequence for the future.

Clauss. 6 E. 1. m. 10. dorso. REX dilectis sibi in Christo Priori & Capitulo Ecclesiæ Christi *Cantuar.* salutem. Super eo quod ad requisitionem nuper inde vobis factam, liberaliter concessistis, quod venerabilis pater W. Norwic. Electus apud Lambeth munus consecrationis accipere possit ut proponit, vestræ dilectioni speciales referimus gratiarum actiones, volentes et concedentes, quantum in nobis est, quod hujusmodi vestra concessio nobis gratanter facta, vobis aut Ecclesiæ vestræ præjudicium non generet in futurum. Et ut vestræ securitati uberius prospiciatur in hac parte mandavimus prædicto Electo, quod literas suas patentes vobis faciat, ac etiam literas Capituli sui vobis fieri procuret, quod ex hujusmodi concessione vestra eidem Electo facta, vobis

vobis aut Ecclesiæ vestræ præjudicium non generabitur, et quod futuris temporibus in consequentiam non trahetur. Teste Rege apud *Winton.* 4 die *Maii.* *An.* 6 E. 1.
So sedulous were the Monks to maintain, and the King to preserve their Rights and Priviledges.

In the *Placita* of *Term. Michaelis Anno sexto* Edwardi *Regis, filii Regis* Henrici, in the Treasury of the Exchequer at *Westminster*, Willielmus Bonevile *qui sequitur pro Domino Rege optulit se versus* Radulphum *Archidiaconum* Midd. & *Magistrum* Willielmum de Norton *Offic. ejus, de placito* quare prosecuti sunt placitum in Curia Christianitatis de Libertatibus, Juribus, Præbendis, et aliis possessionibus pertinentibus ad Decanatum Ecclesiæ Sancti Martini Magni London. quæ est libera Capella Regis, in qua nullam Jurisdictionem habeat, &c. in coercendo Magistrum Willielmum Table Canonicum prædictæ Ecclesiæ Sancti Martini, Rectorem de Godesestre, et alios Parochianos suos ad indebita solvend. et faciend. contra Libertates ejusdem Capellæ Regis, &c. *Ideo præceptum est Vicecomiti*, quod attach. &c. *Postea mandavit Rex, quia Magister* Adam de Phileby *Canonicus dictæ Ecclesiæ est in partibus transmarinis in negotiis Domini Regis*, quod prædictus Episcopus utatur Jurisdictione sua quousque idem Adam redierit, vel Dominus Rex inde aliud præceperit. Ita tamen quod idem Episcopus nihil inde interim surripiet in præjudicium Domini Regis. *Essex.*

In *Placita de Termino Sancti Michaelis* (in the Tower of *London*) *Rot.* 100. I find this Action brought for prosecuting a Suit in Court Christian, in the Diocess of *Norwich*, against the Kings Prohibition.

Johannes de Comberton Cheseman *per* Thomam de Cotenham *Attornatum suum optulit se quarto die versus* Johannem de Spanneby, *de placito* quare ipse simul cum Johanne, Radulpho *filio* Roberti de Comberton, & Johanna *uxore ejus*, secuti fuit placitum in Curia Christianitatis de Catallis et Debitis, quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem, &c. *Et ipse non venit. Et præceptum fuit Vicecom. sicut plur.* quod distringat Johannem Episcopum Norwic. *per omnes terras*, &c. *Et quod de exitibus*, &c. *Ita quod haberet prædictum* Johannem de Spanneby *Clericum suum hic ad hunc diem*, &c. *Et Vicecomes nihil inde fecit, nec breve misit. Ideo sicut plur. præceptum est Vicecomiti*, quod distringat prædictum Episcopum *per omnes terras*, &c. *Et quod de exitibus*, &c. *Ita quod habeat prædictum* Johannem de Spanneby *Clericum suum hic à die Sancti* Hilarii *in* 15. *dies. Et Vic. sit*, &c. *Rot.* 100.

An. 7 E. 1.

[a] *John de Pecham* being made and consecrated Archbishop of *Canterbury* at *Rome* by Pope *Nicholas* the 3d. his Papal Usurpation and Provision, without the Kings precedent license or Monks election, and *Robert Burnel* Bishop of *Bath* and *Wells* elected by the Monks of *Canterbury*, and approved by the King, put by without any cause alledged, who being very wealthy, a [b] *great Usurer*, and purchaser of lands to enrich his kinred, was loath to displease the Pope; upon his arrival in *England*, An. 7 E. 1. the King having occasion to make use of this Popes favour both to collect the Dismes granted him, and promote his affairs in *France*, was pleased out of his *meer grace* to issue a special Writ to restore the Temporalties of the Archbishoprick to him, with a special saving of his own and others rights, as this Record informs us.

[a] See Walsingham Histor. Angl. p. 8.
[b] See the Patent & Clause Rolls of An. 5. till An. 15 E. E. 1. which are fraught with Recognizances, Charters, and grants of lands purchased by him; & Godwins Catal. of Bishops, p. 299.

REX Militibus, liberis hominibus, & omnibus aliis tenentibus de Archiepiscopatu Cantuariensi *salutem.* Cum Summus Pontifex dilectum nobis in Christo fratrem Johannem de Peccham *Ordinis fratrum Minorum* præfecerit in Archiepiscopum Patrem et Pastorem Cantuariensis Ecclesiæ, *sicut nobis per Patentes ejusdem Summi Pontifices literas nobis inde debitas, innotuit.* Nos præfectioni illi Regium assensum adhibentes, de gratia nostra speciali, cepimus ab eo Sacramentum fidelitatis, prout moris est, & *Temporalia dicti Archiepiscopatus eidem reddidimus*; salvo jure nostro et alterius cujuscunque; (to wit, in the election, approbation, confirmation, and consecration of all future Archbishops of *Canterbury*.) *Et ideo vobis mandamus, quod eidem fratri* Johanni *tanquam Archiepiscopo & Domino vestro in omnibus quæ ad dictum Archiepiscopatum pertinent intendentes sitis & respondentes in forma præ dicta.* *Pat. 7 E. m. 15. De temporalibus Archiepisc. Cant. restitutis.

An.7 E. 1. *prædicta. In cujus, &c. Dat. per manum Magistri* Thomæ Beke *apud* Dovor. 30. *die* Maii.

The King having sowed the Archbishops Temporalties with corn, the Archbishop compounded with him for the crop for a fine of 2000. Marks, at 4. payments, (for * *want* of present money,) thus entred in the Patent Roll.

* See p. 216.

Pat. 7 E. 1. m. 11. Pro Archiep. Cant. de Fine facto.

REX *pro fine duorum millia Marcarum quem venerabilis pater* J. Cantuar. *Archiepiscopus fecit cum Rege & unde solvet Regi vel certo attornato suo quingentas marcas in* Quindena Paschæ *proximo futur. & alias quingentas marcas in* Quindena *Sancti* Michaelis *proximo sequenti, & quingentas marcas in* Quindena Paschæ *tunc prox. sequenti, & residuas quingentas marcas in* Quindena *Sancti* Michaelis *proximo sequenti*, concessit eidem Archiepiscopo blada Archiepiscopatus prædicti de Autumpno instanti, quæ ad Regem pertinent ratione Archiepiscopatus illius nuper vacantis, et in manu Regis existentis. *In cujus, &c. Teste Rege apud* Wyndes. xxiv. *die* Julii.

Et mandatum est Radulpho de Sandwico & Willielmo de Middleton, *nuper Custod. Archiepiscopatus prædicti, quod eidem Archiepiscopo blada prædicta liberent in forma prædicta. Teste ut supra.*

The Archbishoprick of *Yorke* becomming voyd by the death of *Walter Giffard*, (who was translated from *Bath* and *Wells* by the* Provision of Pope *Clement* the 5th, whose Chaplain he was, and *William Langton* the Dean of *Yorke*, legally elected, put by) the King thereupon committed the Temporalties thereof, and seised the Bishops goods and chattels thereon, till his Executors put in security to satisfie all Debts owing to the King at the time of his death into the Exchequer; whereupon they were restored to them, as these words attest.

* See Godwins Catalogue of Bishops, p. 466.

Pat. 7 E. 1. m. 15 De Archiepiscopatu Eborum commisso.

REX *commisit* Thomæ de Normanvill & *Magistro* Henr. de Newerk *Archiepiscopatum* Eborum *vacantem, & in manu Regis existentem, cum pertin. custodiendum quamdiu Regi placuerit: Ita quod de exitibus inde provenientibus Regi respondeant ad Scaccar. Regis. Et mandatum est Militibus, liberis hominibus, & omnibus aliis tenentibus de Archiepiscopatu prædicto, quod eisdem* Thomæ & *Magistro* Henr. *tanquam Custodibus Archiepiscopatus prædicti in omnibus quæ ad custodiam illam pertinent intendentes sint & respondentes in forma prædicta. In cujus, &c. Teste Rege apud* Westm. 28 *die* Apr.

Ibid. Pro Executoribus testamenti Eborum Archiepiscopi.

QUia R. Bathon. & Wellen. *Episcopus*, & Nicholaus de Wodeford, *manuceperunt pro Executoribus Testamenti bonæ memoriæ* W. *nuper* Eborum *Archiepiscopi, de omnibus debitis in quibus idem Archiepiscopus Regi tenebatur, die quo obiit, ad Scaccarium Regi reddend. Mandatum est* Richardo de Holebrook *Senesch. Regis*, quod Executores prædictos de omnibus bonis et catallis quæ fuerunt prædicti Archiepiscopi plenam et liberam administrationem habere permittat ad executionem prædicti Testamenti inde faciendam juxta manucaptionem prædictam. *Teste Rege apud* Westm. *xxviii. die* April.

Pro Executoribus testamenti Eborum Archiepiscopo.

MAndatum est *Magistro* Henr. de Newerke *Custodi Archiepiscopatus* Eborum *sede vacante, quod si executores bonæ memoriæ* W. *nuper Archiepiscopi* Eborum *invenerint ei sufficientes manucaptores de omnibus debitis in quibus præfatus Archiepiscopus tenebatur die quo obiit Regi, ad Scaccarium nostrum reddendis, tunc eosdem Executores de omnibus bonis & catallis quæ fuerunt prædict Archiepiscopi, & quæ occasione mortis ejusdem capta sunt in manum Regis liberam administrationem habere faciat ad executionem dicti Testamenti inde faciendam. Eodem modo mandatum est* Richardo de Holebrok *Senesch. Regis. Teste ut supra.*

* See Godwins Catalogue of Bishops, p. 467. Thomas Stubbs, Act. Pontif. Ebor. col. 1727.

After which the King granting a license to the Dean and Chapter, to elect a New Archbishop, the majority of the electors elected * *William Wickwane*; whom the King approved by this Charter.

REX

REX electioni nuper celebratæ *in Ecclesia Cathedrali* Eborum *de Magistro* Wilhelmo *Cancellario ejusdem Ecclesiæ in Archiepiscopum ejusdem loci* Regium assensum adhibuit et favorem. *Et hoc significatum est* Domino Papæ, ut quod suum est in hac parte exequatur. (He having then usurped a power to approve, or null all Archbishops elections at his pleasure, to fill his Coffers.) *In cujus, &c. Dat. apud* Boston. 4. *die* Julii. *An.* 7 E. 1. Pat. 7 E. 1. m. 14. De assensu electioni.

Whereupon this new elected Archbishop repaired to *Rome* to Pope *Nicholas* the 3. for his confirmation and consecration; where his election was declared null by the Bishop and Cardinals to whom the Pope referred the examination thereof, for some pretended defects therein: yet because he had the majority of voices, and was a deserving man, lest the Church should continue longer void to its prejudice, he by his own usurping Papal provision created and consecrated him Archbishop, and sent this Bull to the King, (the Original whereof I found in the *White Tower*) informing him of the premises, and desiring his Royal favour for the restitution of his Temporalties.

NIcholaus Episcopus, Servus servorum Dei, Charissimo in Christo filio Regi *Angliæ* Illustri, salutem & Apostolicam benedictionem. Divinæ gratia majestatis acquiritur, si Ministris ejus et his specialiter qui Pontificali præditi sunt dignitate, condignus honor impenditur, et favor necessarius exhibetur. Sane dudum *Eboracensis* Ecclesia per obitum bonæ memoriæ *Walteri Eboracensis* Archiepiscopi, solatio destituta Pastoris, dilecti filii Capitulum ipsius Ecclesiæ, a te (prout de consuetudine fore asseritur hactenus observatum) eligendi petita licentia et obtenta, vocatisque omnibus qui voluerunt, debuerunt, & potuerunt commodè interesse, certa quoque die ad eligendum præfixâ, insimul convenerunt, & ad Electionem hujusmodi per viam scrutinii procedentes, cum essent viginti & unus numero, tam per se, tum per Procuratores, tres scrutatores ordinaverunt ex eis qui vota sua & aliorum etiam scrutarentur; quibus vota ipsa scrutantibus & mox publicantibus in communi, compertum est, quod decem et octo in Venerabilem fratrem nostrum *Willielmum* Archiepiscopum *Eboracensem*, tunc ejusdem Ecclesiæ Cancellarium consenserunt. Et idem ——— (*torn*) (*W*) in Magistrum *Hugonem de Ewesan*. ipsius Ecclesiæ Canonicum ——— Et (*torn*) ——— in Magistrum *Thomam* Archidiaconum *Eboracen*. tunc præsentem, & Magister *Thomas de Hedon Eboracen*. Canonicus, in Magistrum *Thomam de Corbrigge* Ecclesiæ præfatæ Canonicum (*torn*) ——— Et tandem eisdem Archidiaconis & *Thoma de Hedon* qui dictum *Thomam de Corbrigge* tunc absentem (ut prædicitur) nominaverat, ad alios qui in eundem Archiepiscopum, &c. (*torn*) ——— aliorum prædictorum ac sua Electi eundem Cancellarium in ——— (consenserunt) ——— procuratoribus dicti Capituli ac eodem *Thoma de Cantebrigge* illam petentibus confirmat. Nos itaque electionem ipsam, per venerabilem fratrem ——— Episcopum, & dilectos filios nostros *G.* Tituli Sancti *Marci* Presbyterum, ac *M.* Sanctæ *Marie* in *Portica* Diaconum, Cardinales, juxta modum quem in hac *Romana* Sancta Ecclesia (*torn*) examinari fecimus diligenter, (*torn*) ——— dicta Electione reperiebatur, omissa, prædictam electionem, non vitio personæ (*torn*) * ——— sed Justitia exigente. Et postmodum specialis Caritatis affectum quem ad præfatam Ecclesiam *Eboracensem*, (*torn*) ——— rememoratione prosequimur infra nostra præcordia revolventes, et de ipsius provisione utili et salubri, ne pluralitatis dispendia vacationis incurreret, cogitantes, (*a meer pretext for this his Usurpation and Provision, to gain more money from the Archbishop*) & ad personam ipsius Archiepiscopi, quam (*torn*) ——— habeatur vitæ laudabilis, & conversationis honestæ, Literarum scientia præditus, discretionis maturitate conspicuus, præclarus meritis & aliàs in Spiritualibus & Temporalibus circumspectus, nostrum dirigentes affectum, sperantes quoque virtutibus desursum sibi traditis insignitus eandem Ecclesiam salubri, dante Domino, regimine gubernabit, ipsaque utilis præsidio munita Pastoris oblatis affluet incrementis, eundem *Willielmum* (*torn*) ——— de fratrum nostrorum consilio et apostolicæ plenitudine potestatis eidem Ecclesiæ præfecimus in Archiepiscopum et Pastorem, sibique munus Consecrationis de nostris manibus duximus impendendum. Quocirca Serenitatem Regiam rogamus, & hortamur

* *cassarunt.*

An. 7 *E.* 1. hortamur attente, quatinus Regalia Eboracensis Ecclesiæ dicto Archiepiscopo, divinæ Majestatis intuitu, ob reverentiam quoque nostram et præfatæ sedis, assignes, vel facias (prout ad te pertinent) assignari; & alias prædictum Archiepiscopum habens propensius commendatum, in omnibus quæ salubrem, tranquillum, & prosperum Ecclesiæ suæ statum respiciunt, continuis ei assistas favoribus oppotunis, ut Regem Regum promptum exinde tibi constituas, nosque Magnitudinem tuam dignis in Domino laudibus commendemus. Dat. *Viterbii* 13 Kal. *Octob.* Pontificatus nostri Anno secundo.

Dorso. *Bulla Papæ* Willielmo *Archiepiscopo* Eborum, *pro restitutione Temporalium Archiepiscopatus* Eborum.

Upon which the King was pleased to restore his Temporalties.

Thus this Pope by his Provisions usurped a power to conferr the Archbishopricks of *Canterbury* and *Yorke*, and likewise to ratifie the election of the Abbey of St. *Edmunds*, as appears by this Patent.

Pat. 7 E. 1. m. 4 intus. De Temporalibus restitutis.

REX Militibus, liberis hominibus, & omnibus aliis tenentibus de Abbatia Sancti *Edmundi*, salutem. Cum Summus Pontifex electionem nuper factam in Ecclesia Conventuali Sancti *Edmundi* de fratre *Johanne de Northwold* Monacho ejusdem Domus in Abbatem loci prædicti, cui Regium assensum adhibuimus et favorem, confirmaverit, sicut per literas patentes prædicti Summi Pontificis accepimus: Nos confirmationem illam acceptantes, ceptimus fidelitatem ipsius Abbatis, & temporalia ejusdem Abbatiæ, prout moris est, restituimus eidem. Et ideo vobis mandamus, quod eidem *Johanni* tanquam Abbati & Domino vestro in omnibus quæ ad Abbatiam prædictam pertinent, intendentes sitis & respondentes. In cujus, &c. Teste Rege apud *Westm.* 5 die *Novembris*.

This Pope not content with these Provisions and Usurpations in *England*, the Archbishoprick of *Dublin* in *Ireland* being then void, and in the Kings hands, he did by his Papal plenitude of Power confer it by Provision (without the Kings license, or the Deans and Chapters election) on Freer *John de Derlington*, his former *Taxgatherer in *England*; who resorting to the King in person, and taking an Oath of Fealty to him, (entered *verbatim* in the Patent Roll) he out of his special grace not only restored the Temporalties of the Archbishoprick to him, but likewise granted him the free use and exercise of all Liberties and ordinary Jurisdiction within his Archbishoprick, as amply as any of his predecessors claimed or enjoyed them by his or his Progenitors Charters, as these Records attest.

* See here p. 189.

Clauf. 7 E. 1. m. 7. dorso. De fidelitate fratris Johannis de Derlington facta Regi.

DIe Jovis proximo post festum Sancti *Marci* Evangelistæ, Anno, &c. septimo, Frater *Johannes de Derlington* de ordine Prædicatorum electus *Dublin.* in præsentia Magistri Archidiaconi Nuncii Sedis Apostolicæ fecit fidelitatem Regi Edwardo et hæredibus suis Regibus Angliæ pro temporalibus Dublin. Archiepiscopatus, in hæc verba: *Ego Frater* Johannes de Derlington *Ordinis Prædicatorum*, de quo Dominus Papa providit Ecclesiæ Dublin. *juro inspectis sacrosanctis Evangeliis*, quod ego Domino Edwardo Regi Angliæ, et hæredibus suis Regibus Angliæ, portabo bonam fidem de vita et membris et terreno honore contra omnes gentes: Et quod fideliter faciam servitium debitum et consuetum de Temporalibus dicti Archiepiscopatus; *Et dictus Rex*, quia personaliter venit et fecit fidelitatem, *ut prædictum est, reddidit ei Temporalia dicti Archiepiscopatus, prout moris est, & fieri consuevit, & præcepit quod haberet super hoc brevia.* Which he had as followeth.

Ibid. m. 19. De Temporalibus Archiepiscopatus Dublin. restitutis

REX Militibus, liberis hominibus, & omnibus aliis tenentibus de Archiepiscopatu *Dublin.* salutem. Cum summus Pontifex dilectum nobis in Christo fratrem *Johannem de Derlington* Ordinis fratrum Prædicatorum Ecclesiæ Dublin. in Archiepiscopum patrem et pastorem præfecerit, sicut nobis per Patentes ejusdem Summi Pontificis literas nobis inde directas innotuit; Nos præfectioni illi Regium assensum adhibentes, de gratia nostra speciali cepimus ab eo Sacramentum fidelitatis, prout moris est, et Temporalia dicti Archiepiscopatus eidem reddidimus. Et ideo vobis mandamus, quod eidem fratri *Johanni*, tanquam Archiepiscopo & Domino

Domino veſtro in omnibus quæ ad Archiepiſcopatum illum pertinent, intendentes ſitis & reſpondentes. In cujus, &c. Teſte Rege apud *Weſtm.* 28 die *Aprilis.* *An.* 7 E. 1.

Et mandatum eſt *Roberto de Ufford* Juſtic. *Hibern. Thomæ de Cheddeſworth* cuſtodi Archiepiſcopatus *Dublin.* & Magiſtro *Johanni de Sannford* Eſcaetori *Hiberniæ*, quod eidem fratri *Johanni* Temporalia ejuſdem Archiepiſcopatus liberent. Teſte ut ſupra.

REX Juſtic. Eſcaetoribus, Vicecomitibus, Miniſtris, & omnibus Ballivis & fidelibus ſuis ad quos, &c. ſalutem. **Volentes** venerabili patri fratri *Johanni de Derlington Dublin.* Archiepiſcopo, **gratiam facere ſpecialem, conceſſimus ei, quod toto tempore vitæ ſuæ utatur et gaudeat eiſdem libertatibus et quietanciis quales ipſe et prædeceſſores ſui Archiepiſcopi** Dublin. **per Chartas progenitorum noſtrorum Regum Angliæ et noſtras hactenus rationabiliter uſi ſunt: Et quod idem Archiepiſcopus omnem Juriſdictionem ordinariam habeat in Archiepiſcopatu prædicto, et ea per ſe et ſuos ſubditos ſine impedimento noſtri, vel hæredum aut quorumcunque Ballivorum noſtrorum plene, libere et rationabiliter utatur, ſicut ipſe et prædeceſſores ſui Archiepiſcopi** Dublin. **Juriſdictione hujuſmodi plenius et liberius uſi ſunt temporibus retroactis.** Et ideo vobis mandamus, quod prædictum Archiepiſcopum contra hanc conceſſionem noſtram non vexetis, vel ab aliquibus quantum in vobis eſt vexari permittatis. In cujus, &c. Teſte Rege apud *Weſtm.* 15 die *Novembris.* Pat. 7 E. 1 m. 3. Pro Archiepiſc. Dublin.

The Archbiſhop of *Dublin* being reſtored to his Temporalties by the King gracious favour, he thus relates to *John de Kirkeby* the ſpecial favours ſhewed to him by the Pope and his Cardinals concerning his Pall, and the perſons and place of his Conſecration, (which no doubt coſt him dear) at which he deſired *Kirkeby*'s and the Kings preſence.

SUo de *Kyrkeby*, ſuus de *Derlynton*, quod ſibi. **Novertis quod mandata Apoſtolica ac Cardinalium nuper recepi, ſet ſuper hiis quæ pertinent ad conſecrationem meam meæ reliquerunt electioni, quantum ad perſonas et locum. Quantum vero ad Palli miſſionem facit michi inſuper gratiam ultra ſtatuta Canonum admirendam, et quam hactenus facere ſedes Apoſtolica minime conſuevit, maxime tempore tranſlationis de loco ad locum.** Verum quia non poſſum omnia vobis intimanda ſcripto tranſmittere, ſupplico devotiſſime, **ut noſtræ conſecrationi perſonaliter adeſſe velitis, ac Domino noſtro Regi ſuper ejus præſentia exhibenda, efficaciter perſuadere dignemini.** Locum & diem vobis exprimet lator præſentium, ſicut & Dominò Regi, qui utinam literæ ſibi directæ veſtram interpretem merear habere benevolenciam, de qua multiplici experimento præhabito, quamvis immeritus, omnino confido. Valete hic & in æternum ſicut opto valere meipſum,

Dorſo. Domino *J. de Kyrkeby.* Brevia Regis Anno 7 E. 1.

The King notwithſtanding his connivance at theſe *Proviſions* and *Uſurpations* of the Pope, to preſerve the antient Liberties, Rights and Prerogatives of his Crown and Kingdom againſt future Encroachments, and the citing of his Subjects out of the Realm to *Rome* and elſewhere, upon Appeals or other occaſions, ſent this memorable Epiſtle to Pope *Nicholas*, to forbear and reform theſe abuſes and grievances for the future, upon his Subjects complaints againſt them.

Sanctiſſimo in Chriſto Patri & Domino, Domino N. *divina providentia Sacroſanctæ* Romanæ *& Univerſalis Eccleſiæ Summo Pontifici*, Edwardus *Dei gratia Rex* Angliæ, *Dominus* Hiberniæ, *&* Dux Aquitaniæ, *cum omni reverentia & honore pedum oſcula beatorum. Illam gerimus de Sanctitate veſtra fiduciam*, **quod preces noſtras benigne audiatis, et benignius admittatis ad gratiam exaudicionis optatæ, illas maxime quæ honeſtatem non deſerunt, et ab æquitatis tramite non diſcordant.** *Cum igitur Sanctiſſime Pater & Domine*, **longis temporibus retroactis Apoſtolicæ ſedis benignitas genti** Anglorum **inter alia honoris inſignia gratanter indulſerit, Quod nullus** Anglicus **poſſet a quoquam per literas ſedis ejuſdem extra regnum** Angliæ **ad judicium evocari: Et nunc temporibus veſtris, quæ prolonget Altiſſimus in tempora longiora, regnicolæ noſtri** Anglici **quaſi paſſim et indiſtincte per** Claus. 7 E. 1. m. 9. dorſo. Quædam littera directa Domino Papæ.

An. 7 E. 1. literas vestras extra Regnum prædictum, contra indulta privilegiorum sedis ejusdem, ad judicia pertrahantur: Et hoc non absque gravibus eorum laboribus, expensis et dispendiosis periculis personarum, ac insuper hoc ab eisdem regnicolis nostris simas pluries cum instantia requisiti, ut super prædictis quantum ad nos pertinet, convenions remedium apponamus. *Beatitudini vestræ cum omni affectione quæ possumus supplicamus*, quatinus ad Anglicos nostros Ecclesiæ Romanæ devotos filios continuantes, si placet, privilegia gratiæ et honoris ipsis a prædecessoribus vestris indulta, immo ea potius, erga ipsos nostræ devotionis intuitu ampliantes, conservare eis illibatè dignemini, quæ de gratia et mera liberalitate prædictæ sedis Apostolicæ sunt concessa, ac eorum dignemini in hac parte gravamina et dispendia relevare: Præsertim cum in Regnum prædictum securus accessus pateat, et recessus ab eo universis et singulis illuc venire volentibus, et recedere ab eodem; et divina gratia faciente idem Regnum in illius pacis et tranquilitatis soliditate consistat, quod quilibet exterus contra quemlibet indigenam libere valeat prosequi super querelis quibuslibet jura sua. Super his igitur, si placet, tale dignetur apponere remedium authoritas vestra sacra, quod de devotis filiis devotiores efficiat, et nos vobis astringamur propter ea, ad ea quæ sint placibilia votis vestris, et ad gratiarum uberes actiones. *Conservet vos Dominus Ecclesiæ Sanctæ suæ. Dat. apud* Woodstock 7 *die* Februarii.

Moreover to preserve the Rights and Priviledges of his Free-Chappels and Crown, against the Popes Provisions to them, and Bishops and other Ordinaries Usurpations of Jurisdiction in and over them, he issued these ensuing memorable Writs and Prohibitions this year.

Bundela Brev. & Petit. in Turri London. Anno 7 E. 1.

EDwardus *Dei gratia Rex* Angliæ, *Dominus* Hiberniæ, *& Dux* Aquitaniæ, *dilectis Clericis ejus Magistro* Thomæ Bek, *&* Johanni de Kirkeby, *salutem. Cum quidam* Galfridus le Chapeleyn quondam præbitionem in Ecclesia Sancti Martini Magni London. quæ est libera Capella nostra, de quadam Præbenda in eadem sibi ad executionem venerabilis patris J. London. Episcopi, quamcito ad hoc se offerret facultas conferenda, a sede Apostolica impetraverit; *propter quod idem Episcopus de Prabenda quæ fuit* Johannis le Fauconer *defuncti in eadem Ecclesia quam dilectus Clericus noster Magister* Johannes de Cadomo *vendicat ex collatione Decani Ecclesiæ memoratæ prædicto Capellano, ut accepimus* præbidere intendit, et per diversa privilegia nobis a sede Apostolica sit indultum, ut Capellæ nostræ liberæ ab hujusmodi præbitionibus penitus sint exempta; unde posset nobis et hæredibus nostris futuris temporibus magnum præjudicium generari, si dicti Capellani provisio in hac parte sortiretur effectum: Vobis mandamus, quod prædicto Magistro Johanni, vel nuncio suo, tam pro jure nostro quam ipsius Clerici nostri salvando Brevia competentia de magno sigillo nostro, eis quorum interest dirigenda super præmissis in forma debita faciatis. *Teste meipso apud* Card. 8 *die* Junii, *anno regni nostri septimo.*

Ibidem.

EXcellentiæ vestræ, *si placet, monstravit* Willielmus de Lewes & Walterus de Tothylle *Capellani & Canonici vestri liberæ Capellæ de* Hastinges *ibidem residentes*, quod Dominus Episcopus Cicestrensis et ejus Officiales, (alwayes usurping upon the Kings Prerogatives) non cessant eis graviter et injuste molestare, videlicet ad Synodum suum citando, Ecclesias suas ad prædictam liberam Capellam vestram spectantes interdicendo, ita quod mortuos sepelire, et infantes baptizare, nec missas in eisdem Ecclesiis celebrare non possunt, ad eorum damnum non modicum et gravamen, et ad maximum præjudicium et contemptum prædictæ Capellæ vestræ, ab hujusmodi molestiis auctoritate Apostolicæ immunis existentis. Super istis petitit remedium, &c. *Præterea Dominus Rex contulit prædicto* Waltero de Tothylle *Prabendam quam* Galfridus de Wynton *tenuit, cum omnibus suis pertinentiis quam habet, excepto quadam domo quam dictus* Galfridus *ædificavit sibi & successoribus suis; quare petit literas Domini Regis Ballivis de* Hastinges, *quod plenam justitiam in hac parte sibi faciat, quia non habet ubi caput suum possit rectinare. Decanus noster petit deponi, nec vult ulterius esse Decanus*, (by reason of the Bishops vexations, and violations of his Priviledges.)

To

To which Petition this answer is endorsed; *In Cancellaria*, Habeat Breve Epſcopo quod deſiſtat. *An.* 7 *E.* 1.

To which I shall subjoyn this memorable Prohibition to *Oliver Sutton* Dean of *Lincoln*, and the Canons thereof, and Archdeacon of *Derby*, for exercising Jurisdiction over his Free-Chappel of *All Saints* in *Derby*, in derogation of his Crown and Dignity, by Excommunicating the Ministers thereof, and giving occasion to draw them out of the Realm by Appeals.

REX *Magiſtro* Olivero de Sutton *Decano* Lincoln. *ac omnibus & ſingulis Canonicis, Capellanis & Miniſtris Eccleſiæ* Omnium Sanctorum Derb. *ſalutem: Cum ipſa Eccleſia* Omnium Sanctorum, *cum Prebendis & aliis pertinentiis ſuis*, ſit libera Capella noſtra, et ab omni Juriſdictione ordinaria exempta, ac Domino Papæ immediate ſubjecta, et ex donatione prædeceſſorum noſtrorum Regum Angliæ ad Decanatum Eccleſiæ Lincolniæ pertineat. *Ac Magiſter* Jordanus de Wynburn *Archidiaconus* Derb. Juriſdictionem ordinariam pro libito ſibi vendicet et multipliciter uſurpare contendat, ſententiam Excommunicationis in quoſdam ipſius Eccleſiæ Derb. Miniſtros de facto cum de jure non poſſit temere proferendo, in grave præjudicium libertatum noſtrarum, et Regiæ dignitatis, necnon et ſedis Apoſtolicæ contemptum manifeſtum, ut intellexerimus. Nos ne nobis præjudicium in hac parte generetur providere cupientes: *Vobis mandamus firmiter inhibentes*, ſicut alias per literas celebris memoriæ Domini H. Regis patris vobis inhibitum fuiſſe comperimus, ne Coventrenſ. et Lichfield. Epiſcopo, Archidiacono Derb. vel eorum Officialibus, Decanis, vel aliis quibuſcunque Juriſdictionem ordinariam in dicta Eccleſia Omnium Sanctorum ſibi vendicantibus, aliquo modo pareatis vel intendatis, contra libertates et privilegia noſtra prædicta. Et quia audivimus præterea conſentionis hujuſmodi ſuper libertatibus dictæ Capellæ noſtræ inter vos et ipſum Archidiaconum ortæ, quaſdam Appellationes fuiſſe interpoſitas occaſione quarum poſſet nobis de facili ſuper libertatibus prædictis præjudicium generari, eidem Archidiacono per alias literas noſtras nuper inhibuimus, ſicut et vobis tenore præſentium inhibemus, ne ipſe vel vos occaſione Juriſdictionis prædictæ per modum querelæ vel Appellationis alicujus ſuper prædictis libertatibus extra Regnum noſtrum Angliæ aliquo modo agitetis vel agitari procuretis, in præjudicium noſtrum et Eccleſiæ ſuprædictæ. *In cujus*, &c. *Teſte Rege apud* Weſtm. 28 *die* Aprilis. Pat. 7 E. 1. m. 18. intus.

This Dean and his Officials refusing to receive another Writ of Prohibition issued to them in the Kings name, and contemptuously rejecting and trampling it under their feet; the King thereupon issued two successive Writs against them, to appear before him and his Counsil, to answer this high contempt of his Royal authority, as this Record informs us.

EDwardus *Dei gratia Rex* Angliæ, *Dominus* Hiberniæ, *& Dux* Aquitaniæ, *Venerabili in Chriſto Patri* R. *eadem gratia* Lincoln. *Epiſcopo, ſalutem. Quia ex querela* Mabil. *quæ fuit uxor* Radulphi de Grenham *accepimus*, quod cum ipſa Breve noſtrum de Prohibitione *Magiſtro* Olivero de Sutton *Decano* Lincoln. Antonio de Santhorp. Jordano de Lincoln. *& Magiſtro* Rogero de Cave, Commiſſariis ejuſdem Decani, nuper (prout moris eſt) detuliſſet, et illud eiſdem optuliſſet; prædicti Antonius, Jordanus & Rogerus Breve prædictum admittere recuſarunt, et illud turpiter * conculcarunt et rejecerunt, in noſtri præjudicium et contemptum manifeſtum; per quod eidem Decano mandavimus, quod in propria perſona ſua eſſet coram nobis, et præfatos Antonium, Jordanum, & Rogerum *haberet apud* Nottingham *die Dominica proximo ante decollationem Sancti* Johannis Baptiſtæ, ad faciendum et recipiendum in hac parte, quod de Conſilio noſtro duxerimus providendum. *Cumque præfato Decano abſentiam ſuam ad diem illam excuſante, & præfatis* Antonio & Jordano *tunc coram nobis comparentibus & aſſerentibus*, quod Breve prædictum eis nunquam porrectum aut oblatum fuiſſet, nec per ipſos concultatum vel rejectum, nec etiam ipſos admiſſioni, conculcationi, aut refectioni brevis prædicti conſenſum vel aſſenſum præbuiſſe, per quod credidimus, quod præfatus Roge- Brevia Regis de Anno 7 E. 1. nu. 13.

* *Nota.*

rus

An. 7 E. 1. rus de Cave de Contemptu prædicto culpabilis exiſtit; et quod ipſe dictis die et loco ea occaſione ſe ſubtraxit. Nos contemptum illum relinquere nolentes impunitum, *Vobis mandamus, quod prædictum* Rogerum *habeatis coram nobis in proximo adventu noſtro apud* Stanford, *ubi prædictos* Mabil. Antonium & Jordanum *tunc adjornavimus*, ad faciendum et recipiendum, quod inde de conſilio noſtro duxerimus providendum. Et hoc nullo modo omittatis. *Et habeatis ibi hoc Breve. Teſte meipſo apud* Nottingham *xxvjii. die* Auguſti *Anno regni noſtri ſeptimo.*

Dorſo. *Magiſter* Rogerus de Cave *non eſt inventus in noſtra dioceſi, nec potuit inveniri*, veruntamen ipſum fecimus apud beneficia ſua quæ obtinet in noſtra Dioceſi citari, *quod ſit coram Domino Rege apud* Stamford *in primo adventu ſuo ibidem*, ad faciendum et recipiendum (quod ſalvo ordine Clericali) ibidem fuerit providendum. A ſtrange *ſalvo* for ſuch an high contempt, which the King ſo highly reſented, as he had juſt cauſe. Theſe Prohibitions and Writs demonſtrate how bold the Prelates, Archdeacons, and their Officials were then grown, in contemning and trampling under foot the Kings Prohibitions and Regal Authority, and invading the rights of the Crown, being encouraged by the Popes premiſed Uſurpations, and their new Archbiſhops, which I ſhall next relate.

John Peckam, Archbiſhop of *Canterbury*, was no ſooner ſetled in his Metropolitical Chair by the Kings extraordinary favour, but like a *Pope* of our other World he preſumed to ſummon a *Provincial Council* of his Suffragans and Clergy at *Redding*, by his own Archiepiſcopal authority. The main deſign whereof was, to publiſh ſome New Conſtitutions againſt *Pluralities* and *Commendaes*, (againſt which he was very zealous all his life) but eſpecially to enforce all former, and adde ſome new Clauſes of Excommunication againſt ſuch of the Kings Judges, Miniſters and Subjects, who ſhould grant or ſue forth any Prohibitions to controll their Uſurpations upon the Kings Prerogative, or Subjects Rights, Liberties, Priviledges; or not execute their illegal Excommunications, for not obſerving ſuch Decrees as Popes, their Nuncioes, or his predeceſſors had publiſhed in former *Councils*; thus regiſtred to Poſterity.

[a] *Anno Domini* 1279. *circa feſtum S.* Jacobi *Apoſtoli, frater* Johannes Cantuarienſis *Archiepiſcopus, convocatis univerſis Suffraganeis ſuis apud* Radinges, celebrabit Concilium, *in quo Conſtitutiones Concilii generalis, quod ſilentio præterire non convenit, innovavit*; viz. quod ſinguli Rectores Eccleſiarum unico tantum beneficio, curam animarum habente, cogerentur eſſe contenti, quinetiam omnes ad ordinem Sacerdotii infra annum ſe faciant promoveri. Had he done this only it had been praiſe-worthy.

The Canons and Conſtitutions of this *Council*, are thus recorded at large by [b] *Johannes de Aton*, [c] *William Lyndewode*, and [d] Sir *Henry Spelman*.

Conſtitutiones Domini *Johannis Pekham Cantuarienſis* Archiepiſcopi, editæ apud *Redyng* iii. Kal. *Auguſti*, Anno Domini 1279. & Regni Regis *Edwardi* primi, ſeptimo.

De Inſtitutionibus & Deſtitutionibus.

AUdiſtis, Fratres conſcripti, iſtius Conſtitutionis tenorem; noviſtis etiam Canones Sanctorum Patrum ſuper hanc materiam editos, tàm in Theſſalono *quàm in* Romano *Concilio, necnon & Capitulum* Dionyſii, quæ omnia, ſeu qui omnes pluralitatem Beneficiorum cum cura, inhibent uni committi; ſingulas Eccleſias ſingulis Sacerdotibus committentes: ſecuta ſunt deinde Concilia Lateranenſia ſub Alexandro Papa, et generale Concilium ſub Innocentio tertio; in quibus omnibus iſta Pluralitas inhibetur; *hoc addito in ultimo Concilio*, quod per receptionem ſecundi beneficii vacat primum; receptoque ſecundo primum, per eum, ad quem Collatio pertinet, libere alii conferatur. Et ſi id infra ſex menſes alteri conferre diſtulerint, non ſolum ad altos, juxta Concilium Lateranenſe, collatio devolvatur; verum etiam cogatur de ſuis proventibus in utilitatem Eccleſiæ, cujus eſt illud Beneficium

a Spelmanni Concil. Tom. 2. p. 320.
b Johannes de Aton Conſtitutiones legitimæ, f. 130, 131.
c Guil. Lyndewode, lib. 1. f 8. & lib. 5. 254, 255. De Sententia Excommunicationis.
d Spelmanni Concil. Tom. 2. p. 320, to 326 Ex Vet. Cod MS. ſub effigie Othonis, A. 15. f. 105. b. in Bibl Cottoniana.

neficium, assignare, quantum a tempore vacationis ipsius constiterit esse perceptum. Et cum non sit finis ambitionis, nec cæcæ cupiditatis esset impositus, successit præsens Legati institutio Ottoboni, quæ ad multa mala præterita extirpanda, et ad prævidendum in futurum, ne de cætero pestis hujusmodi pullularet, et sufficiens ab eodem fuerat æstimata, dum pestes atque miserias, quæ ex hac radice proveniunt, et pericula quæ sequuntur evidenter enervans, ea studet imprimere in cordibus peccatorum, dum nunc Institutiones decernit irritas ipso jure, nunc vero ipsum instituendum adigit Juramento, nunc perjuros privat beneficiis habitis et habendis, et contra hos Episcopos venientes a beneficiorum collatione suspendit, donec Institutiones a se factas improvide, contra Constitutionis tenorem, duxerint revocandas; licet hæc omnia cum gravi studio magnaque diligentia sint provisa, istorum tamen omnium non secutus est fructus quibis nec proventus, quin potius, ac si nihil prorsus super ista materia excogitatum fuisset a majoribus seu provisum, nec amore justitiæ, nec timore pœnæ cessarunt hucusque aliqui, per phas vel nephas undique sibi beneficia cumulare; nec ipsi pœnas Constitutionis verentes, nec alios sacris inhærentes Canonibus, eisdem ipsa Beneficia immensa numerositate conferre. licet cum eisdem non fuerit dispensatum: Quæ omnia sæpe et sæpius ad aures Summi Pontif. pervenerunt, qui hæc omnia vehementer abhorrens, necnon admirans vehementius, quod nec Constitutiones aut Canones per cautelas aut pœnas hucusque tantæ præsumptionis enormitas poterit coerceri, nec etiam remedium eidem adhiberi; nobisq; etiam vivæ vocis injunxit Oraculo, quod tanto incommodo celeri reformatione faceremus occurri, et hujusmodi præsumptores a tantæ temeritatis audacia, quacunque possumus cohercione compesci. Et licet ad hæc omnia reprimenda solius Metropolitanæ jurisdictionis potestas apud nos sufficere dinoscatur, qui in benignitate, tolerantia et lenitate ingredi, et progredi potius affectamus in singulis, quam in severitate nimia ac rigore plectere corrigenda: Quia tamen istorum perversitas in tantum se extulit, ut ex eo sit multiplicata ruina, et exortum sit scandalum plurimorum, clamorque ad aures Superiorum ascenderit, ut tantum scelus contra decorem Ecclesiasticæ honestatis, sub dissimulatione de cætero nequeat pertransiri, multisque grassantibus, opus sit exemplo, Apostolicique præcepti nos urgeat auctoritas in hac parte.

An. 7 E. 1.

Nos Dei adjutorio invocato, prout nobis in præsenti occurrit, manus huic negotio opponimus adjutrices, decernentes juxta formam generalis Concilii, omnia illa Beneficia curam Animarum habentia quæ optinuerunt, et optinent illi de facto, qui dispensationem *Sedis Apostolicæ super hujusmodi pluralitatem non habent, per beneficii receptionem, quod ipsi beneficiati sic ultimo receperunt, ipso jure vacare, licet juxta Constitutionis rigorem Domini Ottoboni sic recipiens plura Beneficia, etiam ipso jure sit ultimo privatus; præcabere tamen volentes, ne rigorem videamur coacerbare rigori, mentis etiam Constitutionis tam Concilii generalis, quam etiam Domini Ottoboni clarius advertentes, quarum neutra et præobtentis, et ultimo simul privat, cum Concilium generale sola auferat præobtenta, ultimum tamen reservat: Constitutionq; Ottoboni institutionem in ultimo beneficio decrevit irritam ipso jure, præobtentis tamen non privat ipso jure: nos misericordiam cum rigore miscentes, non tam misericorditer, quam prudenter permittimus, ut is qui plura beneficia curam animarum habentia, sine dispensatione Apostolica, fuerit assecutus, ultimo sic obtento, et eodem juxta Concilii generalis tenorem, de nostra speciali gratia, sit contentus, nisi forsan, ex temeritate contendit etiam præobtenta improbe retinere: In quo casu, nec primo, nec ultimo dignum, nec medio, immo nec aliquo judicamus, sed potius ea omnia de jure vacare; quibus omnibus quatenus de facto eadem detinet occupata sensemus perpetuo spoliandum. Beneficia vero quæ per modum superius nominatum eatenus vacaverint, adeo ut ad nos, propter negligentiam Prælatorum, et Capitulorum, fuerit devoluta collatio, nobis, seu nostræ collationi reservamus. Quæ autem per tantum tempus vacaverint, ut per consimilem negligentiam ad Sum. Pontif. jus ea conferendi fuerit devolutū, eidem Sedi tanquam Ministri Sedis Apostolicæ, in hac parte specialiter reservamus; decernentes ernunc irritum et inane, si quid circa eadem beneficia sic retro vacantia commutando vel personis aliis præsentando, seu alias quocunque ingenio, vel colore quæsito, per quoscunque Prælatos superiores, vel inferiores, seu per quoscunque Clericos in posterum fuerit innovatum. Ipsis quoque Ecclesiarum detentoribus

* Who monopolized all such dispensations to itself, selling them at dear rates to all who had money to purchase them.

eorundem,

An. 7 E. 1. eárundem, per nos et fratres Coepiscopos nostros, et eorundem Confessores nun-
ciamus, et volumus impostetum nunciari, quod nec ad dignitates Ecclesiasticas,
nisi demum, purgato vitio, possunt assumi; et si de facto ad easdem ascenderint,
Nota. non posse absque periculo ministrare, nec salvari poterunt in die Judicii, nec in præ-
senti accipere pœnitentias factas quæ non proficiunt ad salutem, nisi cum renuncia-
verint Beneficiis, quæ sic de facto detinent occupata: Verum etiam de fructibus
Ecclesiæ sic consumptis, Ecclesiæ Dei quam grabiter offenderunt, quatenus pote-
runt, satisfaciant competenter, cum ista beneficia taliter invadentes scienter fal-
cem in messem inserunt alienam; cumque non intrent per hostium, non pastores,
sed fures pariter existunt, et latrones; miseraſque animas imprudenter decipiunt,
quas nec utique solvere valent nec ligare. Et illos quoque qui Confessores talium
Clericorum existunt, qui eisdem in pœnitentia non injungunt, ut fructus Ecclesia-
rum taliter non perceptos, sed furtive surreptos restituant, seu de eisdem satisfaciant,
prout possint Ecclesiis, quas sic de eisdem fructibus retinendo læserunt, imperitos de-
Nota. cernimus, aut minus benignos, et callidos animarum Clericorum hujusmodi decep-
tores. Inhibentes sub pœna Excommunicationis, ne ad talium absolutionem ma-
nus extendant temerarias, cum hujusmodi Ecclesiasticorum Beneficiorum improbi
sint detentores, in scelere continuantes. Huic quoque vulneri Canceroso, per quod
per modum alium in futurum ut cernitur, sanari non potest; ferrumque quod adhuc
superest ignitum injicimus, mucrone Anathematis tam enormis flagitii piacula
resecantes; decernentes, et in perpetua stabilitate firmantes, ut quicunque in poste-
rum plura beneficia curam animarum habentia, absque Sedis Apostolicæ dispen-
satione, receperit, vel fuerit assecutus per modum Institutionis, vel Commendatio-
nis, seu Custodiæ, vel unum titulo institutionis, aliud titulo Commendationis,
sive Custodiæ, præter modum illum quem Constitutio Gregoriana edita in Conci-
lio Lugdunensi permittit, sit eo ipso privatus omnibus sic obtentis beneficiis ipso
facto, Excommunicationis sententia permaneat innodatus, a qua, non nisi per nos,
vel per Sedem Apostolicam Absolutionis gratiam valeat promereri; ut ad bene-
ficiorum vacantium, per hunc modum, vel per alium pervenire notitiam va-
leamus. (A very memorable, usefull Constitution, worthy observation.)

Nos, fratres charissimi, firmiter injungendo mandamus in virtute obedi-
entiæ, quatinus per vos, seu Officiales vestros, Archidiaconos et Decanos,
nomina et numerum Ecclesiarum cum cognomine, agnomine, vel Præno-
mine, ita quod possit haberi notitia personarum, temporа ipsarum Ecclesiarum col-
lationum factarum ipsis Rectoribus, seu assignationum per modum quemcunque;
quo titulo eas obtineant, Institutionis, Commendationis, aut solius Custodiæ;
cujus ætatis sint memorati Rectores, seu Ecclesiarum hujusmodi detentores, in
quo ordine fuerint constituti; utrum alibi quam in una Ecclesia beneficiati existant?
Item, utrum cum eis dispensatum fuerit super pluralitate hujusmodi obtinen-
da, et qui sunt, et in quibus modis censeantur earum Ecclesiarum Patroni; In
cujus æstimationis sint singulæ Ecclesiæ seu baloris, juxta taxationem Norwicen-
sem, faciatis distincte conscribi, et scripturas hæc omnia continentes clare et di-
stincte confectas, singuli Episcopi de singulis Diocesibus suis nobis ad Civitatem
London. transmittant in Octava Sancti Hilarii; quibus loco et die, favente Altis-
simo, ad ipsius laudem congregati erimus iterato. Illi autem qui in renuntiatio-
ne seu descriptione præfata, nobis ut supra, injunximus facienda, fraudem vel
dolum commiserint, vel veritatem instructioni nostræ necessariam subticendo, aut
falsitatem (quod absit) aliquam immiscendo, vel per vias alias callide comento
quocunque circa præfata versando, quo minus ad nos perveniat veritas atque noti-
tia præmissorum, pœnam falsarii merito poterint formidare.

By which Constitution it is most apparent; 1. That the Plurality of Ecclesiastical Benefices and Commendaes, especially with Cure of Souls, was prohibited, condemned by several Popes, Popes Legates, the Constitutions and Decrees of General, National, Provincial Councils both abroad and at home, as most scandalous, pernicious, impious mischiefs, dishonourable to God, destructive to the peoples, and Pluralists souls, and prejudicial to Gods Church, Worship and Christian Religion. 2ly. That notwithstanding all former Canons and Constitutions made against them, yet through the avarice, ambition, impiety of Pluralists, the dispensations or connivance of Popes and Prelates for their own filthy lucre, they still increased more

more and more, and continued unredreſſed (as they do till this very day) as a growing miſchief, and cancerous ulcer paſt all cure, to the eternal infamy of thoſe Popes, Prelates, and Eccleſiaſtical Officers who ought in duty, conſcience effectually to ſuppreſs them, for the honour, advancement of Religion, Gods Worſhip, Service, and ſalvation of the peoples ſouls. 3ly. That the principal end of theſe Canons and Conſtitutions of Popes and Archbiſhops againſt Pluralities and Commendaes, was but to gain more monies for diſpenſations with them, or a new power to diſpoſe of ſuch Churches and Benefices for which they could not procure ſuch ſums for diſpenſations as they demanded, as the precedent and this next Conſtitution manifeſts. *An.* 7 *E.* 1.

De Inſtitutionibus & Eccleſiarum Commendis.

Ut Conſtitutio iſta, prout lata eſt in Conſtitutione Lugdunenſi, *quoad verba & quoad ſententiam verborum omninò ſervetur*, ipſe quoque Summus Pontifex decernit, *& nos ipſius veſtigiis inhærentes*, decernimus beneficia aliter commendata a tempore Concilii Lugdunenſis, ſeu quæ diutius ſub commendationis ſpecie ſunt optenta, quam Conſtitutio memorata Gregoriana permittit; Illa quoque quæ ſub ſpecie cuſtodiæ, quam Summus Pontifex nihil differre æſtimat a Commenda, aliter vel diutius ſint optenta, quam tenore Conſtitutionis Gregorianæ commemorat, necnon et illa quæ ſunt collata minoribus 22. annis, aut hiis, qui infra annum poſt admiſſionem talis beneficii in Presbyteros non fuerint ordinati, eſſe vacantia ipſo jure; ipſa quoque quorum per negligentiam Prælatorum ſeu Capitulorum, ad nos vel ad Sedem Apoſtolicam fuerit devoluta collatio, nobis et Sedi Apoſtolicæ collationem hujuſmodi ſpecialiter reſervamus, decernentes irritum et inane, &c. *ut ſupra.* Cap. *De Inſtitutionibus, in clauſula. Beneficia vero*, &c.

De ſententiis Excommunicationis publicè denuntiandis.

* *Quoniam malum, niſi cognitum, vitari non poteſt*, plures autem ſunt Excommunicationum ſententiæ, *quibus in Sanctorum Patrum Conciliis homines etiam probi percellantur; ne per ignorantiam de cætero in tanti periculi foveam demergantur, præcipimus* Cantuarienſis *Provinciæ Sacerdotibus univerſis, ut in omni die Dominica ſequenti immediatè poſt celebrationem ruralis Capituli, exponant aperte populo ſibi* commiſſo Excommunicationis ſententias, *quæ ſequuntur.* * See Gull. Lindewode, l. 5. De ſententia Excommunicationis, f. 254.

Primo, quidem Excommunicentur auctoritate Concilii Oxonienſis a (*ſanctæ memoriæ*) Stephano Cantuarienſi Archiepiſcopo, omnes qui malitioſe Eccleſias jure ſuo privare præſumunt, aut per malitiam, aut contra juſtitiam, libertates earum infringere vel perturbare intendunt; ex quo intelligimus vinculo Excommunicationis ſubjacere omnes illos, qui literas impetrant a quacunque Curia Laicali ad impediendum proceſſum Eccleſiaſticorum Judicum in cauſis, quæ per ſacros Canones ad forum Eccleſiaſticum pertinere noſcuntur. *Nota.*

Secundo, Excommunicantur univerſi, *qui ſcienter falſum perhibent teſtimonium, vel perhiberi procurant, vel qui tales teſtes ſcienter producunt vel ſubornant*, ad impediendum juſtum Matrimonium, vel ad exhæredationem alicujus procurandam.

Tertio, Excommunicantur omnes illi, *qui pacem & tranquilitatem Domini Regis & Regni injuriosè perturbare præſumunt, & qui jura Domini Regis injuſte detinere contendunt.* Ex quo intelligimus excommunicari non ſolum * guerrarum ſuſcitantes errorem, verum etiam Latrones publicos et prædones, et quoſcunque Regni juſtitiam impugnantes. * And were not Popes and Prelates principal Delinquents herein?

Quarto, Excommunicantur Advocati omnes, *qui malicioſe per quaſdam exceptiones verum* Matrimonium *impediunt, ne effectum debitum ſortiatur.*

Quinto, Excommunicantur omnes illi, *qui gratia lucri, odii, vel favoris, malicioſe imponunt crimen alicui, cum apud bonos & graves perſonas* non fuerat infamatus, ut ſic ei purgatio indicatur, vel alio modo gravetur.

Sexto, Excommunicantur omnes, qui vacante Eccleſia, malitioſe opponunt vel opponi procurant quæſtionem de jure Patronatus, ut verum Patronum illius Eccleſiæ ſaltem impediant illa vice.

Septimo, Excommunicantur omnes illi, qui malitioſe contemnunt exequi mandatum Regis de Excommunicatis capiendis, vel eorum impediunt captionem,

An. 7 E. 1. nem, seu procurant eorum injustam liberationem, contra decretum Ecclesiasticæ disciplinæ.

Octavo, Excommunicantur in Concilio (*sanctæ memoriæ*) Ottoboni, omnes illi, *qui pro impedimento pacis seu compositione litigantium quicquid recipiunt, donec ipsum sic receptum restituerint donatori.*

Nono, Excommunicantur per eundem quicunque de Domibus, Maneriis, vel Grangiis, vel locis aliis Archiepiscoporum vel Episcoporum, vel aliarum personarum Ecclesiasticarum, contra ipsorum voluntatem, seu custodum rerum earundem aliquid auferunt vel consumunt, vel injuriose tractant, quæ omnia sententia ligantur, nec absolvi possunt, donec de injuriis satisfecerint competenter.

Decimo, Excommunicantur ab eodem, quicunque abstrahunt violenter reum ab Ecclesiam, vel Cimiterium, vel Claustrum fugientem, vel qui ei victum necessarium prohibent exhiberi, vel qui res alienas in locis eisdem depositas violenter asportant vel asportari faciunt, vel qui asportationem talem factam nomine suo vel a familiaribus suis ratam habent, vel qui ad hoc publice vel occulte consilium præbuerint vel consenserint.

Undecimo, Excommunicati sunt ab omnibus Archiepiscopis et Episcopis Angliæ, omnes qui veniunt et faciunt contra Magnam Chartam; quæ sententia per Sedem Apostolicam est pluries confirmata et approbata.

Auditis (*fratres charissimi Coepiscopi nostri*) *articulos*, in quibus Sanctorum Patrum Conciliis incurritur sententia Excommunicationis, ipso facto. *Sunt etiam articuli præter istos, in quibus Episcopi, ipso facto, suspensionis vinculo innodantur per eadem Concilia, quorum Constitutiones quandoque Prælatos ab officio, quandoque à quibusdam Episcoporum insigniis, quandoque à Beneficiorum collatione suspendunt; quæ omnia ex ipsorum Conciliorum tenore colligere poteritis evidenter*, in quas siquidem pœnas veremur nos, vel aliquos, tanquam temeratores Constitutionum in ipsis editarum Conciliis incidisse: veremur etiam ne sic ligatis divina celebraveris, et Officia vestra, ut prius fuerint assecuti; veremur etiam ne notam irregularitatis contraxeritis in hac parte. *Sed quicquid fuerit de præterito, hortamur nos ex parte Domini Patris Omnipotentis, monemus, & in virtute obedientiæ firmiter vobis injungimus*, quod de cætero * Conciliorum statuta suprædictorum, necnon et statutorum nostrorum in præsenti Congregationis primordio editorum, cum Dei timore, et omni diligentia observetis, et faciatis a vestris subditis observari: *Aliequin super vos provocabitis iram Dei, & Canonicam merito formidare poteritis ultionem: Et ne istorum ignorantia quenquam reddere valeat excusatum, de omnibus quæ nostra congregatione præsenti recitata sunt, publicata seu ordinata hanc formam teneri volumus in futurum; ut hæc omnia* (*fratres & Coepiscopi nostri*) *per vos vel Archidiaconos vestros faciatis in vestris Synodis publicari; nihilominus Constitutiones Domini* Ottoboni *de Baptismo, necnon etiam extracta de quatuor Conciliis in Sessionis nostræ primordio memoratis*, super diversis articulis, in quibus Excommunicationis vinculum incurritur ipso jure, in singulis Ecclesiis tam majoribus quam minoribus, per quatuor dies Dominicos, post celebrationem quatuor Capitulorum principalium, faciatis recitari. *Constitutio vero edita super Concubinis in Concilio* Ottoboni *in quatuor Capitulis ruralibus, & in principalibus*, exclusis tamen Laicis, *publicetur. Quæ autem à nobis fuerint in præsenti ordinata vel adjecta Conciliis suprascriptis* Ottoboni, *bis in anno, viz. in duobus generalibus Capitulis Archidiaconatuum præcipimus singulorum auribus inculcari.* Ipsam autem Chartam Domini Regis super Libertatibus Ecclesiæ per Regem concessis, bene et aperte conscriptam in singulis Ecclesiis Cathedralibus, seu Collegiatis, in loco publico jubemus affigi, ut omnium intrantium oculis se palam exhibeat, et in fine anni in vigilia Paschæ et Pentecostes renovetur; ut sublata veteri, nova recensque bene scripta substituatur eidem; (not out of zeal to preserve the peoples Liberties, not here mentioned, which they trampled under feet by these their Excommunications, but to advance the Churches pretended Liberties, Usurpations over the Kings and peoples persons, Rights and Priviledges.)

* See Joh. Balæus Scriptor. Brit. Cent. 4. c. 64. Not Gods Laws and Statutes.

De Pueris Baptizandis, &c.

Quod in præsenti Constitutione cavetur de pueris baptizandis, usque ad generale Baptismum Paschæ & Pentecostes, *viz. reservandis, pro ipsius statuti reverentia, quod hactenus*

hactenus videtur esse neglectum, sic duximus declarandum esse vel statuendum, ut pueri per octo dies ante Pascha, *& per dies totidem ante* Pentecosten, *de matrum uteris nati, si absque periculo reservari valeant, reserventur usque ad illa tempora baptizandi; ita quod cum medio tempore inter nativitatem puerorum hujusmodi & Baptismum, perfectum recipiant* Catheciſmum, *ſolaque diebus Baptiſmi ſuperſit immerſio facienda. Alii autem qui aliis temporibus nati extiterint, tum propter mortale periculum, quod ſæpè pueris imminet improviſum, tum propter ſimplicitatem parentum, qui contra formam Baptiſmi ſint faciliter erraturi, abſque offenſionis nota, juxta veteſtam conſuetudinem, vel incontinenti cum fuerint nati, vel poſtea, prout placuerit ipſis parentibus, baptizentur. Quod ſi fortè contigerit pueros propter mortis periculum à Laicis baptizari, cavèant Sacerdotes, ne Baptiſmum legitimè factum audeant iterari.* An. 7 E. I.

De Concubinariis.

Quia incontinentiæ vitium (occaſioned by Popes and Prelates prohibiting Prieſts marriage, againſt Gods expreſs inſtitution both under the * Law and † Goſpel) **Clerum maculat et lamentabiliter dehoneſtat, in ſcandalum plurimorum, * ſtatutum Domini** Othoboni **contra Concubinarios editum præcipimus rigore inviolabiliter obſervari; ut ne criminis contagione caliginem adducente mentibus vitioſis, ſe per ignorantiam vel per oblivionem valeant excuſare; præcipimus Archidiaconis univerſis in virtute ſanctæ obedientiæ, et ſub pœna ſuſpenſionis ab officio et beneficio quam in ipſos ferimus,** *ut ſi ſponte contra hos negligentes fuerint, quatinus Conſtitutionem ſupraditam faciant in quatuor anni principalibus Capitulis ruralibus per ſe, vel per eorum Officiales, vel ſaltem per Decanos rurales ſeu gerentes vices eorum diſtincte & aperte coram toto capitulo,* **exclusis laicis, recitari:** *quam recitationem pro monitione haberi volumus; ut liberius contra omnes procedi valeat vitioſos; ne cauſari poſſint cum executionem privationis in eos latæ ſententialiter in prædicto ſtatuto proceſſum fuerit, ſe monitos non fuiſſe. Si quis vero dicta ſtatuta recitare neglexerit, Archidiaconus, ſeu Decanus vicem ejus gerens, omni ſexta feria in pane & aqua jejunare per obedientiam (niſi infirmitate prepediatur) teneatur, donec in ſequenti capitulo ipſum fecerit recitari.* Beſides theſe he publiſhed ſome Ordinances touching the regulating of Religious Houſes of both ſexes, the ſame year, which you may peruſe in Sir *Henry Spelman*, Concil. Tom. 2. p. 325, *&c.*

* Lev. 21. 9, 13, 13, 14. † 1 Tim. 3. 2, 11, 12. Hebr. 13, 4. Tit. 1. 6. * See Tom. 1. p. 413.

[a] *Thomas Walſingham* renders us only this brief account of this Councils proceedings: *Frater* Johannes Pecham Cantuarienſis *Archiepiſcopus* **convocat Concilium apud** Radingum, *ubi Suffraganeis ſuis impoſuit, ut ſtatuta generalis Concilii facerent arctius obſervari*; then generally neglected, becauſe not obligatory in point of Law, being not conſented to or confirmed by the King and Parliament. During or about the time of this Council, (as [b] *Mat. Weſtminſter* relates) **mota fuit diſcordia inter Archiepiſcopos** (ſuch was their ambition and inſolence) Cantuarienſem & Eboracenſem, **eo quod Archiepiſcopus** Eboracenſis **veniens ad Regem fecit deferri Crucem ante ſe in provincia** Cantuarienſi; **et inhibitum fuit per Archiepiſcopum** Cantuarienſem **Edictis per totam provinciam ſuam promulgatis ſub pœna Excommunicationis, ne quis** Eboracenſi **vel ſuis famulis eſculenta, poculenta, ſeu quæcunque ad victum neceſſaria miniſtrarent, ulluſve publici aut privati negotii commercium cum illis haberet, vel contraheret,** (ſuch was his Papal Tyranny.) *Cujus rei ſeveritate, cum aut provintia infecto negotio exeundum, aut fame pereundum eſſet* Eboracenſibus, **crux illa tanto faſtu erecta, humiliter depoſita et dejecta fuit.**

a Hiſt. Angl. Anno 1280. p. 9. See Jo. Balæus Script. Brit. Cent. 4. c. 64 p. 349. b Flores Hiſt. Anno 1279. p. 367. See Mat. Parker Antiq. Eccleſ. Brit. p. 198.

The King ſo highly reſented theſe Uſurpations, Inſolences, Conſtitutions, Excommunications, and proceedings of this Archbiſhop, that in a Parliament held this year ſoon after, he publickly convened him as a Delinquent; enforcing him to make this open memorable Revocation of them, recorded in the Clauſe Rolls in the Tower for a perpetual memorial, worthy all our Archbiſhops, Biſhops, Canoniſts, and our Judges ſerious conſideration.

Clauſ. 7 E. 1. m. 1 dorſo. Revocationes Proviſionum Concilii Rading.

Memorandum, **quod venerabilis pater** J. Cantuar. **Archiepiſcopus, venit coram Rege et Conſilio ſuo in Parliamento Regis** Sancti Michaelis, **anno regni Regis**

An. 7 E. 1. Regis septimo, apud Westm. et confitebatur et concessit, quod de statutis, Provisionibus et Declarationibus eorundem, quæ per ipsum promulgatæ fuerunt apud Rading. mense Augusti anno eodem, inter quascam sententias Excommunicationis quas idem Archiepiscopus ibidem promulgavit: * *Primo*, deleatur, et pro non pronunciata habeatur illa clausula in prima sententia Excommunicationis quæ facit mentionem, de impetrantibus literas Regias ad impediendum processum in causis quæ per sacros Canones, &c. *Secundo*, quod non Excommunicentur Ministri Regis, licet ipsi non pareant mandato Regis, in non capiendo Excommunicatos. *Tertio*, de illis qui invadunt Paneria Clericorum, ut ibi sufficiat pœna per Regem posita. *Quarto*, quod non interdicat vendere victualia Eboracensi Archiepiscopo, vel alii venienti ad Regem. *Quinto*, quod tollatur Magna Charta de foribus Ecclesiarum. Confitetur etiam et concessit; quod nec Regi nec hæredibus suis, nec Regno suo *Angliæ*, ratione aliorum Articulorum in Concilio *Rading.* contentorum, nullum præjudicium generetur in futurum.

* See p. 233, 234.

By which Record it is apparent: First, That our Archbishops and Bishops by the Laws and Custom of the Realm can summon no Provincial Council, nor make any new Articles or Clauses of Excommunication, Canons or Constitutions to binde the King, kingdome or people, without the Kings special Writ, license, and his Nobles, Parliaments approbation or confirmation of them; and that all sentences of Excommunication, Canons and Constitutions otherwise made and published, are void and unobligatory to the King and kingdom, as I have **elsewhere* evidenced by former Presidents. Secondly, That these Excommunications, Canons, Constitutions, though thus publikely revoked by the Archbp in Parliament before *the King and his Counsil* the same year they were made and promulged; were yet published, glossed upon, printed, and cried up for the received *Canon Law of England*, by *William Lyndewode*, *John Aton*, and other bold or ignorant Canonists, and are lately published as such in Sir *Henry Spelmans Councils*. An abuse, yea Imposture, worthy our especial observation. Thirdly, That this Archbishop and his Suffragans, as well as his *predecessors, were very active, industrious in their Provincial Synods, Councils, by new Canons & Constitutions, to advance their own usurped Authority and Jurisdiction paramount the Kings Prerogative, Judges, Ministers, Courts, and to subject them to their Ecclesiastical Censures, for suing out, granting, or executing any Prohibitions or Writs to restrain their Usurpations or Exorbitances to the prejudice of the Kings Prerogative, or Subjects Liberties or Properties; and that the King, his Parliament, Counsils, Judges, were as sedulous to oppose and prevent their encroachments of this nature.

* See Here, Tom. 3. p. 88, 89. & Tom. 1. p. 60, to 90 163, &c. 178, 208, 232, 233, 234. Tom. 2. p. 890. to 912. 983, 990.

* See Fox Acts & Monuments Vol 1. Edit. ult. 1640 p. 427, 428. & Tom. 2. p. 890, to 912. 982, 989, 990, 991.

In this Parliament (wherein the Archbishop made this recantation and revocation) the King and Nobles, lest the unsatiable avarice, ambition of Abbots, Monks, and other religious persons, Prelates and Clergymen should swallow up all the Lands, Rents, wealth of the Crown and Kingdom by degrees, as they had formerly done a great part thereof, to the excessive prejudice of the Crown and other temporal Lords, against the Statute of *Magna Charta*, c. 36. which enacted, *It shall not be lawfull from henceforth for any man to give his lands to any Religious house, and to take the same again to hold of the same house. Nor shall it be lawfull to any house of Religion to take lands of any man, and to lease the same to him of whom he received it. If any man from henceforth give his lands to any Religious house, and thereupon be convict*, the gift shall be utterly void, and the Land shall return to the Lord of the fee. (Which they had quite eluded by crafts and subtilties,) made this further Act against the alienation or purchase of Lands in *Mortmain*, ne omnes soli possessiones in Ecclesias tandem transferantur, cujus ferendæ legis fratrum et prædicatorum avaritia, qui possessiones acquirere contra suum institutum cæperunt, causam dedit; as [a] *Matthew Parker* observes out of *Walter Gisburne*, and *Peter de Ickeham*. Which Act is thus recorded in the [b] *Clause* and *Patent Rolls* of 7 E. 1.

a Antiq. Eccl. Brit. p. 220.

b Clauf. 7 E. 1 m. 5. dorso. Pat. 7 E. 1. m. 2.

Forma Statuti virorum Religiosorum.

REX Justic. suis de Banco, salutem. *Cum dudum provisum fuisset, quod viri religiosi feoda aliquorum non ingrederentur, sine licentia & voluntate capitalium dominorum de quibus feoda illa immediate tenentur*, et viri religiosi postmodum nichilominus tam feoda sua propria quam aliorum hactenus ingressi sint, ea sibi appropriando

An. 7 E. I.

priando et emendo, et aliquando ex dono aliorum recipiendo, per quod servicia quæ ex hujusmodi feodis debentur, et quæ ad defensionem Regni ab initio provisa fuerunt, indebite subtrahuntur, et Domini Capitales escaetas suas inde amittunt. Nos *super hoc* pro utilitate Regni congruum remedium provideri volentes, de consilio Prælatorum, Comitum, et aliorum fidelium Regni nostri de Consilio nostro existencium, prohibimus, statuimus, et ordinavimus, quod nullus religiosus aut alius quicunque *terras aut tenementa aliqua emere vel vendere, aut sub colore donacionis aut termini, vel alterius tituli cujusconque* ab aliquo recipere, aut alio quovis modo arte vel ingenio sibi appropriare præsumat sub forisfactura eorundem, per quod ad manum mortuam terræ et tenementa hujusmodi deveniant quoquo modo. *Providimus etiam*, quod si quis Religiosus aut alius contra præsens statutum aliquo modo arte vel ingenio venire præsumpserit, liceat Nobis et aliis immediatis capitalibus Dominis feodi taliter alienati illud infra annum a tempore alienationis hujusmodi ingredi, et tenere in feodo et hæreditate. Et si Dominus capitalis immediatus negligens fuerit, et feodum hujusmodi ingredi noluerit infra annum, tunc liceat proximo capitali domino mediato feodi illius, infra dimidium annum sequentem feodum illud ingredi, et tenere, sicut prædictum est, et sic quilibet dominus mediatus faciat si propinquior dominus in ingrediendo hujusmodi feodum negligens fuerit, ut prædictum est. Et si omnes hujusmodi capitales domini hujusmodi feodi qui plenæ fuerint ætatis, et infra quatuor maria, et extra prisonam per unum annum negligentes vel remissi fuerint in hac parte, Nos statim post annum completum a tempore quo hujusmodi empciones, donaciones, aut alias appropriaciones fieri contigerit, terras et tenementa hujusmodi capiemus in manum nostram, et alios inde feoffabimus per certa servicia nobis inde ad defensionem Regni nostri facienda, salvis capitalibus dominis feodorum illorum wardis, escaetis, et aliis ad ipsos pertinentibus, ac servicijs inde debitis et consuetis. Et ideo vobis mandamus, quod Statutum prædictum coram vobis legi, et de cætero teneri et observari faciatis. *Teste Rege apud* Westm. *xiv. die* Novembris. Et memorandum, quod istud Statutum irrotulatur in dorso Rotuli clausarum de hoc anno.

[c] *Matthew Westminster*, a Monk, renders us this account and censure of this Act *Contra Religiosos*, Anno gratiæ 1280. Rex, Pontifices et Principes *Anglicani* venerunt in unum, statuentes, Quod religiosæ personæ in ampliationibus terrarum non crescerent; *dicentes*, quod ad detrimentum Regni, et obsequii militaris, feoda militaria et aliæ possessiones ad religiosos in manum mortuam devenerunt; *intelligere. fortè nolentes, quod potius orationibus* Moyses (the chief Civil Magistrate, not of Popes, Prelates, Abbots, Monks) *quàm pugna filiorum* Israel Amalachitarum *exercitus vincebatur.* [d] *Thomas Walsingham*, another of our Monks, refers this Act to the Parliament held at *Westminster*, Anno 3 E. 1. *in quo Statuta edidit contra manum mortuam, ne de cætero possessiones terrarum seu reddituum*, sine speciali Regis licentia ad manum mortuam devolvantur: being mistaken both in the year and Parliament, as this Record assures us. But this Act made little or no reformation of this abuse, and general grievance, the Bishops, Abbots, Monks, Nuns, and religious persons of all Orders, by frauds, flattery, favour, or for fines and sums of money to the King, immediately after this Act procuring pardons of, or licenses for alienations of Mannors, Lands, Tenements, Rents, Churches, Advowsons to them in *Mertmain* from this King and his successors, notwithstanding this Statute, as all the Patent, Charter, and Fine Rolls attest, being over-fraught with such dispensations every year, since this Act.

c Flores Hist. p. 368.

d Histor. Anglix, An 1276. p. 5, 6. Ypodigma Neustriæ, p. 68, An. 1275.

The Archbishop of *Canterbury* having (like the King himself) an Exchange and Mint at *Canterbury*, the King out of his special grace granted him the profits thereof, saving his own right, by this Writ.

Brevia Regis, An. 7. E. 1.

REX de gratia sua speciali concedit *dicto Archiepiscopo, quod ad præsens liberet denarios suos proprios Custodibus Cambii* Cantuariæ, *& percipiat emolumentum denariorum suorum propriorum per visum unius de suis quem ad hoc deputaverit* quantum ad emolumentum trium Cuneorum quos clamat ad se pertinere ratione Archiepiscopatus sui, *sicut temporibus prædecessorum suorum, & temporibus aliorum Cambiorum fieri consuevit*; salvo jure Regis.

The

An. 7 *E.* 1. The King in prosecution of the Liberties granted by him four years before to the Prelates concerning *Clerks accused and committed for capital Crimes*, and of the Statute of *Westminster*, 1. chap. 2. *forecited, issued this Writ to the Constable of the *Tower* and Sheriffs of *London*.

* Here, p 154, 155.

Clauſ. 7 E. 1. m. 11. intus. De Clericis imprisonatis Episcopo liberandis.

REX *Constabulario Turris* London. *& Vic.* London. *salutem.* Wolentes manutenere libertates Ecclesiasticas ut tenemur, vobis mandamus quod Clericos *London.* Dioc. in Turri nostro, vel alibi in Civitate nostra *London.* incarceratos, quos Venerabilis Pater London. Episcopus vel alius ab ipso cum sufficienti mandato, ad id deputatus, *secundum consuetudinem & Ecclesiasticam Libertatem exigere voluerit, eidem liberetis; ita tamen* quod Clericos sic exactos et sibi liberatos habeant coram vobis vel Justic. nostris ad plenam liberationem hujusmodi Clericorum et aliorum incarceratorum *London.* deputandis, diebus et locis eidem rationabiliter exponendis. *Teste Rege apud* Wyndes. 26 *die* Decembris.

What forms of Recognizances our rich Bishops, who were Usurers, then took from their Debtors for their monies lent, with Oathes and Covenants to subject themselves to Ecclesiastical Courts or Judges censures, sentences, and renounce all Prohibitions to them in case they failed of payment, (by which they endeavoured to extend their Jurisdiction, and engrosse suits for all such debts to their own Courts,) this Record will inform us.

Clauſ. 7 E. 1. m. 2. dorso. Pro Landavensi Episcopi.

UNiversis Sanctæ Matris Ecclesiæ filiis ad quorum notitiam pervenerit hæc scriptura, Simon *filius & Hæres* Radulphi de Trop. *salutem in Domino sempiternam. Universitati vestræ pateat per præsentes, me prædictum* Simonem *filium & hæredem* Radulphi *præfati, teneri Venerabili patri* W. de Brewose *Episcopo* Landavensi *in Centum Marc. sterlingorum in fine quadriennii post confectionem præsentium, sine omni dolo & fraude, in Ecclesia Cathedrali* Landav. *eidem seu suo Attorn. plenariè solvendum, pro eo quod cum* Radulphus *Pater meus prædictus hæreditatem meam diversis creditoribus obligasset, & ære alieno graviter obligasset, idem Episcopus sua pecunia & sumptibus non modicis eam totaliter liberavit, & finaliter satisfecit eisdem.* De quibus Centum Marcis eisdem dicto termino per me super hoc corporali præstito Sacramento, promitto satisfacere bona fide, subjiciendo me jurisdictioni, et cohercioni cujuslibet Judicis Ecclesiastici et Secularis, qui super hoc fuerit requisitus, quod possit me per quamcunque censuram et districtionem ad solutionem prædictæ pecuniæ faciendam compellere, una cum interesse, et dampnis quas idem Venerabilis Pater sustinuerit, occasione ejusdem pecuniæ suo termino non solutæ, *si in termino solutionis, quod absit, eidem per me non sit satisfactum*; Renunciando sub virtute præstiti Sacramenti Regiæ prohibitioni, et omni aliæ defensioni, tam Juris Civilis quam Canonici, quod sibi possit obesse et mihi in hac parte prodesse. *In cujus rei testimonium Sigillum Reverendi Patris Domini* R. *Dei gratia* Bath. *&* Wellens. *una cum Sigillo meo præsentibus est appensum. Dat.* London. 15 *Kal.* Novembris, *Anno Domini* 1279.

Et memorandum quod idem Simon *venit in Cancellaria Regis & recognovit, &c.*

Other Recognizances of like nature with like Oathes, Clauses made to Bishops, Clergymen, the Popes Usurers and Merchants, frequently occurr in our Records.

The King by his Prerogative having the disposal of the Temporalties of the Abby of St. *Michael* in *Normandy* of his progenitors foundation, and of all Cells thereto belonging during the vacancy of the Abbey, and the Covent thereof during the vacation violently intruding a Monk of theirs into the Custody of the Cell of St. *Clements* in *Gernesey* thereunto belonging, in contempt of the King, and to the prejudice of his Crown and right, he thereupon issued this Writ to the Bailiffs of the Islands of *Gernesey* and *Jersey* to seise the Temporalties of the Cell into his hands, and answer the profits thereof to his Exchequer.

Fines 7 E. 1. m. 18. De Cella S. Clementis in Geref cap. in manum Regis.

REX *Ballivo suo Insularum de* Gernes. *&* Geres. *salutem. Quia Rex accepit, quod vacavit jamdiu Abbatia de* Monte Sancti Michaelis, *quæ est de fundatione*

datione progenitorum suorum Regum *Angliæ, cujus quidem Abbaciæ Cellarum in Regno suo custodia in tempore vacationis Abbaciæ illius* ad Regem ratione dignitatis suæ dinoscitur pertinere; *quidam Monachus Abbaciæ ejusdem nuper per Conventum ejusdem loci præfectus in Priorem Cellæ Sancti* Clemenus *in* Gerefey, *quæ pertinet ad Abbaciam, homines Regis ad custodiam Cellæ ejusdem ratione vacationis dictæ Abbaciæ deputatos nuper violenter ejecit, non permittens ipsos Custodiam illius Cellæ nomine suo retinere, sicut hactenus in aliis vacationibus prædictæ Abbatiæ fieri consuevit,* in Regis prejudicium et contemptum manifestum. Rex qui hujusmodi transgressionem relinquere non vult impunitam, mandavit Ballivo prædicto, quod ad Cellam prædictam personaliter accedat, et Temporalia ejusdem sine dilatione capiat in manum Regis, et ea salva custodiat donec aliud inde præceperit. *Ita quod Regi inde respondere possit ad Scaccarium suum, proviso quod Monachi Cellæ predictæ rationabilem sustentationem suam interim habere possint de Temporalibus supradictis. Teste Rege apud* Wodestok, 12 *die* Marcii. *An. 7 E. 1.*

King *Edward* the 1. out of his Soveraign Regal authority, and duty towards God, to suppresse the manifold Blasphemies of the Jews against Christ crucified, and the Christian Religion, prevent their seducing of Christians to Judaism, and the Apostacy of Jews converted to Christianity; as also to reform their usury, brocage, and clipping of money, for which many of them were executed this year, issued this memorable Writ and Proclamation in the 7th. year of his reign.

REX dilecto & fideli *B. de Suley*, & sociis suis, *&c.* & *Johanni le Fankonner*, salutem. Quia datum est nobis intelligi, quod quidam Judæi regni nostri fidem Catholicam et sacramenta Ecclesiastica hactenus diversimode blasphemare non formidarunt, nec adhuc formidant, in divini nominis contumeliam, et totius Christianæ professionis opprobrium: Nos hujusmodi blasphemias, sicut Principem Catholicum decet reprimi cupientes, volumus, quod nullus Judæus taliter de cætero blasphemiare præsumat, videlicet, aliquod enorme, detestabile, aut abominabile dicendo, vel faciendo in blasphemia Crucifixi, fidei Catholicæ, seu beatissimæ matris Mariæ Virginis, seu Ecclesiasticorum sacramentorum. Volumus etiam, quod hoc per omnia loca regni nostri in quibus Judæi morantur publice proclametur, et ne aliquis Judæus sub periculo vitæ et membrorum talia facere vel dicere præsumat. Et si quis notorius blasphemiator inveniatur, ita quod per Inquisitionem per Sacramentum Christianorum bonorum et gravium inde faciendam inde convinci possit evidenter, volumus quod quilibet talis puniatur secundum quod in hujusmodi casibus alias fieri consuevit. Idem fiat de ipsis qui aliquando ad fidem Catholicam versi baptizati fuerunt, et postmodum ad Judaicam pravitatem perversi ab eadem fide Apostatare præsumpserunt. Quod mulieres Judææ de cætero portent signa in superiori veste sua, sicut Judæi mares. Et quod Judæi de cætero nullos habeant servientes Christianos, mares aut fœminas, secum in quibuscumque obsequiis commorantes, nec in domibus propriis, nec alibi in Civitatibus aut locis aliis ubi morantur, sed ipsi Judæi sibi invicem in omnibus serviant et ministrent, et hoc utique præcipiatur tam Christianis quam Judæis, sub gravi forisfactura nostra. Volumus insuper, quod omnes Christiani qui pignora sua inter bona Judæorum damnatorum inventa redimere voluerint, hujusmodi pignora per testes fideles et bonæ famæ probent esse sua, et ea per certa signa et indicia describant, et hujusmodi testibus eatenus credatur, quatenus majoris vel minoris famæ esse constiterit. Et si fortè pignora illa sua esse per testes probare non possint, & quod testes defuncti vel absentes sint, ita quod eos habere non possint; vel quia secretè & absque testimonio impignorata fuerunt, tunc ad pignora illa recuperanda sufficiat tantummodo sacramentum ipsorum quorum pignora illa existunt, dum tamen pignora illa certis signis & indiciis describant, sicut prædictum est; & hoc propter lapsum anni à tempore impignorationis hujusmodi nullatenus omittatur. Volumus insuper, quod omnes illi qui per testes fide dignos probare possint debita sua pro suis pignoribus persolvisse, & pignora illa propter aliquam certam rationem per ipsos coram vobis ostendendam, aut propter maliciam ipsorum *Judæorum* ab eisdem *Judæis* non recepisse, ad iteratam solutionem debitorum illorum faciendam nullatenus compellantur, & testibus illis credatur juxta famam personarum, additis testibus

Brevia Regis, & Claus. 7 E. 1. m. 6. See the second part of my short Demurrer to the Jews long discontinued Remember into England, p. 79, to 83.

An. 7 *E.* 1. testibus aliis si necesse fuerit, juxta discretionem vestram. De libris autem apud *Oxon.* impignoratis, volumus quod nullum fiat indicium usque ad festum *Omnium Sanctorum* proximo futurum. Volumus etiam, quod per Civitates, Burgos, Vill. Mercat. & alias publicè proclametur, ne quis bona *Judæorum* dampnatorum seu dampnandorum recipiat, seu jam recepta celet vel occultet, sed ea nobis restituat citra festum Sancti *Petri* ad Vincula proximo futurum, alioquin versus ipsos tanquam ad celatores & occultatores thesauri Regii graviter capiemus, & pro concelamentis hactenus inde factis non inquietentur. Et ideo vobis mandamus, quod omnia prædicta fieri & firmiter observari faciatis in forma prædicta. Teste meipso apud *Westm.* 16 die *Aprilis*, anno regni nostri septimo.

After which, *Consimiles literæ* (*Teste Rege apud* Westm. 10 *die* Maii) *diriguntur* Stephano de Pentecester, Waltero de Helynn *Justiciariis suis, ad Placita transgressionum Monetæ audienda assignatis, & dilecto Clerico suo* Philippo de Wylegheby.

Consimiles literæ dirigunntur Barthol. de Sutlesh, Willielmo de Beof, Adæ de Botelier, & Johanni de Faukoner.

Consimiles literæ & breve diriguntur Johanni Beks, Alex. de Kirketon, Ranulpho de Dacre, & Hugoni de Kendale.

About the same time *Nicholas Boncelli* the Popes Chaplain, procured this Letter from *Charles* Prince of *Salerno* to King *Edward*, to promote him to some of his Benefices in *England*, and especially to some Prebendary in the Church of *York*, whose See was then vacant.

Bundela Brev. Anno 7 E. 1.

Excellentissimo Principi carissimo consanguineo suo Domino E. *Dei gratia Regi* Angliæ *illustri*, Karolus *primogenitus illustris Regis* Jerusalem, *Princeps* Salerni, & Honoris Montis Sancti Angeli *Dominus, cum salute se totum ad ejus beneplacitum præparatum. Ad preces nostras promisistis nostri* gratia prohibere de aliquibus ex Beneficiis vestris Angliæ venerabili et discreto viro Magistro Nicholao Boncelli Domini Papæ Capellano, *Clerico & Consiliario Domini patris nostri & nostro. Propter quod idem Magister* Nicholaus, *latorem præsentium Clericum suum, ut reducat ad memoriam vestram negotium ad vestram mittit præsentiam, prout vos etiam ordinastis. Verum cum dictus Dominus pater noster & nos eidem Magistro* Nicholao *propter grata & accepta sua probitatis obsequia, quæ ipse prædicto Domino nostro & nobis longo tempore fideliter & prudenter impendit, & cotidie non cessat impendere, multipliciter teneamur, Excellentiam vestram omni prece qua possumus attentè requirimus & rogamus, quod nobis in persona dicti Magistri* Nicholai *specialem gratiam facientes, hujusmodi promissionem vestram, prædicti Domini patris nostri & nostri ameris intuitu effectui demandare velitis, si placet. Ita quod ipse ex nostris precibus in hac parte commodum assequatur, & nos proinde serenitati vestræ teneamur ad merita gratiarum. Et quia intelleximus, quod collatio Præbendarum Ecclesia* Eboracensis *spectat ad vos, Ecclesia ipsa vacante, multum vellemus si placeret vobis, ut eidem Magistro* Nicholao Præbendam in prædicta Ecclesia conferretis: *Nichilominus tamen quicquid ei in Ecclesia ipsa vel alibi feceritis, illud quasi personæ propriæ reputabimus esse factum. Dat.* Parisiis.

The Church of *Rhoan* being greatly slandered, spoiled, oppressed by the Bishop of *Exeter* and *John Clarell*, against the Kings intention, the Archbishop of *Rhoan* thereupon sent this memorable Letter to King *Edward*, as to its Patron, and principal Protector of the Christian Faith and Church; wherein he magnifies his virtues, and the eminent piety and orthodoxy of our Kingdom, and its unshaken defence of Ecclesiastical Liberty, founded and protected by his Royal Predecessors.

Brevia Regis Anno 7 E. 1.

Excellentissimo Domino Edwardo *Dei gratia* Anglorum *Regi, Domino* Yberniæ, & Aquitaniæ *Comiti*, Guillielmus *permissione divina* Rothomagensis *Archiepiscopus*, salutem in eo per quem Reges regnant, et Principes dominantur. *Multiplicatur nobis materia exultationis in Deo, in cujus manu cor Regis est, & quo voluerit ducit illud. Dum gestis vestris magnificis vestri præcelsi fama nominis diffusa per orbem, & conscendens laudabiliter in excelsum,* laudari meruit apud Deum, et extollit

ertolli populi laudibus; *cum in vobis gentes inveniant affabilitatem, benevolentiam, magnificentiæ gratiam, curialitatis affluentiam, & altæ providentiæ majestatem. Sane vestra* Rothomagensis *Ecclesia*, in Christianissimo regno vestro, quod semper Orthodoxæ fidei murus fuit et inconvulsus paries Ecclesiasticæ libertatis, ubi adversus turbationis cujuslibet impetus intemerata religio et devotio Christiana permansit, *cujus honorem & commodum non immerito diligimus tota mente*, a vestris inclitæ recordationis fundata progenitoribus et dotata, *lamentari cogitur & genere punctionum stimulis agitata diversis. Nam ut de aliis taceamus, reverendus pater Episcopus* Exoniensis, & Johannes Clarelli *Clericus*, bona dictæ Ecclesiæ quasi rabie viperina dilacerant, et veluti instructi ferali sævicia membra ejus impiis diripiunt morsibus, fructus ejus, reditus, maneria et decimas occupant minus juste, et detinent, et invadunt, et destruunt, contra vestram et dictæ vestræ Rothomagensis Ecclesiæ voluntatem, et Canonicorum ex vestrorum ab olim liberalitate sincera progenitorum cottidiana percipientium stipendia pro eorum commemoratione piissima et anniversariis faciendis in ea; *quibus stipendiis sine causa rationabili, sed non sine dictorum Episcopi, & Johannis, & etiam aliorum quorundam* fratrum *suis* sunt fraudati. Vestram Regiam celsitudinem sollicitandam ducimus et attentis precibus exorandam, *non de nostris precedentibus meritis quod dolemus, quæ utinam subsequentur plus solito*, sed de vestra Regia benevolentia confidentes, quam experimentis sensibilibus didicimus fructuosam, pro grandissimo munere postulantes, quatinus super pietatis officium impendatis per viam Regiam incedentes; *sicque vestra, vestrorum progenitorum & successorum piissima intentio non fraudetur*, sicque velit vestra sublimitas in fervorem veritatis assurgere, quod præfata Ecclesia senciat vos patronum ipsius quem semper habuit præcipuum defensorem. *Caterum antedicti vestri* Rothomagensis *Canonici vobis mittunt Magistrum* Johannem *dictum* Lalce, *dicta Ecclesiæ Canonicum, virum utique industrium, circumspectum, providum & discretum, ad tractandum cum vestris gentibus super quadam permutatione seu venditione bonorum immobilium quæ in vestro regno possident facienda*, si vestræ Regiæ placuerit Majestati, *prout ipse lator præsencium dicet vobis, qui utinam vestræ Regiæ mansuetudinis gratiam inveniat & favorem. Valeat & vigeat vestra Regia celsitudo per tempora longiora, cui nos & nostra pro viribus offerimus, cupientes effectui mancipare quæ vestræ Regiæ placuerint voluntati, cui nos & vestræ* Rothomagensis *Ecclesiæ negotia commendamus, & quæ commendata velit habere quæsumus, & favore prosequi speciali. Dat.* Rothomagi *die Dominica post festum Nativitatis beati* Johannis Baptistæ, *anno Domini* 1279.

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Note.

* *John Derlington*, Collector of *Peter*-pence and Dismes in *England* and *Ireland* to Pope *John*, *Nicholas* 3. and *Martin* 3. (Nullo enim tempore, *inquit* Lelandus, defuerunt suæ artes Romanis contrahendi pecunias, *sive Turca aliquid novarum rerum, sive nihil in Christianos moliretur*) relicta religiosa Apostoli Petri, Derlingtonus iniquæ proditoris Judæ permansit in officio; till his new advancement this year to the Archbishoprick of *Dublin* by the Popes Provision, (as you heard * before) wherein (as *John Bale* records in his Life) he shewed himself, mercenarius et non Pastor; repairing to his Archbishoprick, non ut pascat, sed ut mulgeat vel tondat. *Hypocritæ istæ*, Regum ac Regnorum fuissent tunc apud suum Antichristum astutissimi proditores; therefore no wonder he and his brother Minors were so much favoured, advanced by Popes in that age.

* Joh. Pa'æus Scriptor. Brit. Cent 4. c. 56. p. 344, 345, 346.

* Here p. 226, 227.

The Covent of *Dinelek* in *Ireland* having elected no Abbot in above 30 years space, the King thereupon granted them a license to elect an Abbot, and pardoned their offence in not electing one in so long time, for which the Chief Justice of *Ireland* intended to punish them, as appears by this Writ *Anno 7 E. I.*

EDwardus *Dei gratia Rex* Angliæ, *Dominus* Hiberniæ, & *Dux* Aquitaniæ, *dilectis Clericis suis Magistro* Thomæ Beck, & Johanni de Kirkeby, *salutem. Mittimus vobis literas patentes Ecclesiæ Sanctæ* Mariæ *de* Dinelek *in* Hibernia, *per latorem præsentium Canonicum* (*ut asserit*) *dictæ domus: mandantes, quatenus retentis ipsis, eidem Canonico nostras literas patentes* de licentia eligendi sub magno sigillo nostro in forma debita faciatis. *Mandetis etiam per alias literas nostras Justiciario nostro*

Brevia Regis Anno 7 E. I.

An. 7 E. 1. *nostro* Hiberniæ, quod cum divino intuitu pardonaverimus Priori et Conventui dictæ domus transgressionem quam fecerunt in differendo per triginta annos et amplius aliquem sibi eligere in Abbatem, ipsi ea occasione non molestentur in aliquo vel graventur, salvo tamen jure nostro in aliis vacationibus ejusdem domus. *Test: meipso apud* Muscroll. 16 *die* Junii, *anno nostri regni septimo.*

The Popes Delegate in *Ireland* holding Plea of Advowsons of Churches then in difference, between the Prior and Covent of *Christchurch Canterbury*, and the Prior and brethren of the Hospital of St. *Johns* in *Kilkenny*, the Kings Judges in *Ireland* granted Prohibitions to stay their suits, and Attachments upon them for their contempts, whereof complaint being made to the King, who commanded the Delegate not to be hindred in his proceedings, surmised to be just; thereupon he received this answer and Certificate of the truth of the case from his Chief Justice there, craving his farther direction therein.

* Brevia Regis de Anno 7 E. 1. in the White Tower.

EXcellentissimo Domino suo, *R. de Ufford* quicquid potest obsequii & honoris: Literas vestras recepi in hæc verba. *Edwardus* Dei gratia, &c. Dilecto & fideli suo *Roberto de Ufford* Justiciario suo *Hiberniæ* salutem. Ex querela Magistri *David* Thesaurarii Ecclesiæ *Imelensis* nuper nobis extitit intimatum, quod cum ipse dudum a sede Apostolica Judex datus fuisset ad executionem cujusdam sententiæ latæ authoritate Curiæ Romanæ, et postmodum ab eadem Curia confirmatæ inter Priorem et Capitulum Ecclesiæ Christi Cantuarien sis, et Priorem et fratres Hospitalis Sancti *Johannis de Kilkenny* super possessione Ecclesiarum Sancti *Cyrini*, & Sanctæ *Mariæ* de *Nova Ros.* Ac nos ad instantiam eorundem Prioris & Capituli Ecclesiæ *Christi Cantuar.* vobis mandaverimus, quod eundem Magistrum David contra justiciam non impediretis quo minus ipse ea quæ ad officium suum pertinerent in hac parte libere exercere, et ea debitæ executioni demandare posset, prout juxta officii sui debitum et de jure esset faciendum, vos et ministri vestri ad procurationem dictorum Prioris et fratrum Hospitalis prædicti contra quos dicta sententia lata fuit, pro eo quod idem Magister David sententiam illam executioni debitæ demandari mandabit, ipsum Thesaurarium tam in persona sua quam per bonorum suorum ecclesiasticorum, ac aliarum rerum suarum in partibus illis occupationem, et aliis gravaminibus diversis quæ de die in diem per vos et vestros eidem inferre non desistatis, multipliciter vexatis, grabatis, et inquietatis, ad dampnum ipsius Thesaurarii non modicum et gravamen, et contra tenorem mandati nostri prædicti. Et quia ei injuriari nolumus in hac parte; vobis mandamus, quod ab eisdem molestiis et injuriis eidem Thesaurario hac occasione inferendis desistatis, et vestros omnino desistere faciatis, et ea quæ per vos et vestros minus rite attemptata sunt in præmissis taliter emendari faciatis quod clamor ad nos inde non veniat iteratus, propter quod manum ad hoc aliter apponere debeamus. Teste meipso apud *Westm.* 28 die *Septembris*, anno regni nostri sexto. —— Et licet præfatus Magister ad hoc instaret, ut ego præterto prædicti mandati vestri ei remitti faceremus quandam summam pecuniæ quæ ab eo exigitur per summonicionem Scaccarii vestri, pro eo quod cum ad querelam Prioris Hospitalis Sancti *Johannis de Kilkenny*, per breve de Cancellaria vestra præceptum fuisset, quod præfatus Magister attachiaretur, ad respondendum eidem Priori quare tenuit placitum in Curia Christianitatis de advocationibus quarundam Ecclesiarum ipsius Prioris, contra coronam et dignitatem vestram, Idem Magister noluit super hoc in Curia vestra justificari, per quod demum propter ipsius multiplicem contumaciam Justiciarii vestri de Banco Dublin. eo quod dictus Magister non habuit Laicum feodum per quod potuit distringi, demandaverunt Episcopo loci, quod distringeret ipsum per beneficia sua ecclesiastica, ita quod coram eisdem Justiciariis ad certum diem responderet de exitibus beneficiorum illorum. Ego tamen prædictam pecuniam absque specialiori mandato vestro ei remittere nolui, sicut nec potui; et hoc Excellentiæ vestræ significo, ut michi mandare dignemini quid in hac parte vestræ viderit beneplacito voluntatis. Valeat Excellentia vestra per tempora longiora.

What Liberties of Free Warren and Markets the King granted to the Bishop of *Midden* in *Ireland* this year, you may peruse at leisure in Charta 7 E. 1. num. 16, 17.

I

I finde this ſad Complaint and Petition made to the King, againſt the Archbiſhop of *Caſſel* in *Ireland* by *Margaret le Blund*, for detaining her inheritance, and for ſundry barbarous murders of her Father, Mother, Grandfather, her ſix Brothers and Siſters, and ſundry other *Engliſhmen* whom he ſlew, or caſt into priſon, there ſtarving them to death, and other miſdemeanors, againſt whom ſhe could obtain no juſtice after divers journeys into *England*. *An.* 7 *E.* 1.

M*Argareta le Blunde* de *Chaſſell* petit gratiam Domini Regis, ut poſſit habere hæreditatem ſuam quam recuperavit coram Juſticiariis Domini Regis apud *Clummele* coram Magiſtro *Johanne* de *Sampford*, Domino *Ricardo* de *Excur.* & *Willielmo* de *Caſham* tunc Juſticiariis de Banco apud *Clummele*. Et ſunt nunc præſentes in Villa *London*. verſus *David Macmakerwayt* Epiſcopum de *Caſſell*. recuperavit hæreditatem ſuam. Brevia Regis, An. 7 E. 1.

Item, dicta *Margareta* petit remedium de hoc, quod pater ſuus per dictum Epiſcopum occiſus fuit. *Item*, petit remedium ſuper incarceratione abi et matris ſuæ, eo quod incarceravit eos et eos in pziſona detinuit quouſque pzo ſame moziebantur, quia voluerunt perquirere remedium de mozte filii ſui patris pzædictæ *Margaretæ* qui per ipſum Epiſcopum erat occiſus. Item, petit remedium de mozte ſex fratrum et ſozozum qui mozтui fuerunt per pzædictum Epiſcopum ob defectum ſuſtentacionis, quia idem Epiſcopus quando patrem eozum occidit, hæreditatem eozum in manu ſua habuit. Et ſciendum, quod idem Epiſcopus conſtruxit quandam Abbaciam in villa de *Caſſell* ſuper terram Domini Regis, quam in eleemoſina pzo anima ſua dedit, et illam replevit latronibus qui occidunt *Anglicos* et depzædantur patriam. Et cum Conſilium Domini Regis inde loquitur, quia inde loquuntur in ipſos fulminat ſententiam Excommunicationis. (*Such was his inſolency.*) Et ſciendum quod prædicta *Margareta* jam quinquies mare *Hibernicum* tranſivit, unde petit pzo Deo quatinus compaciatur ei Regia dignitas, ut ad hæreditatem ſuam poſſit appzopinquare. *Et ſciendum quod prædictus* Epiſcopus culpabilis eſt de mozte plurimozum *Anglicorum*, adeo bene ſicut de mozte patris ſui.

Et ſciendum quod pluries brevia Domini Regis prædicta *Margareta* optinuit, ſet nichil pzoſunt ei ob favozem ipſius Epiſcopi, et donis ipſius Epiſcopi mediantibus.

Et petit pro Deo dampna, expenſas & jacturas cum laboribus ſuis ſibi reſtitui per prædictum Epiſcopum quæ occaſione prædicti placiti ſuſtinuit. What recompence ſhe obtained againſt this murdring, oppreſſing, bribing Archbiſhop at laſt, I find not.

Some counterfeit Freers of the Order of St. *Antony* of *Vienna*, wandring abroad and collecting alms throughout *England*, the King upon complaint thereof iſſued this Writ for their apprehenſion.

REX omnibus Vicecomitibus, & Ballivis, & cæteris fidelibus ſuis ad quos, &c. ſalutem. Ex querela fratris *Willielmi* generalis procuratoris domus Sancti *Antonii Viennenſis* accepimus, quod quidam pzopzix honeſtatis immemozes ſub nomine vel habitu illius ozdinis per diverſas partes *Angliæ* diſcurrentes, et ſe fratres et pzocuratozes dictæ domus falſo confingentes, pecuniam, et alia bona nomine fratrum pzædictozum petunt et recipiunt a diverſis, et ea non in uſus domus pzædictæ aut fratrum, ſet in uſus pzopzios illicite et inhoneſte convertunt, in dictæ domus et fratrum fraudem et dampnum non modicum, et ozdinis Sancti *Antonii* bituperium et ſcandalum manifeſtum: Volentes autem maliciis et inſolenciis hujuſmodi modis quibus convenit obviare, vobis mandamus firmiter injungentes, quod ubicunque inveneritis in ballivis veſtris literas teſtimoniales dicti procuratoris non habentes, ipſos arreſtari et detineri faciatis, donec de ſtatu & converſatione ipſorum vobis aut procuratori prædicto conſtiterit evidenter. Proviſo, quod pecuniam ac alia bona apud eos inventa, vel penes alios nomine ſuo depoſita pzocuratozi pzædicto, vel ejus certo nuncio, literas ſuas ſuper hoc exhibenti, totaliter aſſignentur. Et ſi qui forſan literas Regias datam præſentium pzæcedentes ſuper recommendatione vel admiſſione ipſozum ad hujuſmodi elæmoſinas colligendas pzædicti pzocuratoria teſtimonium legitimum non habentes exhibeant, eiſdem literis de cætero minime parcatis. In cujus, &c. Teſte Rege apud *Ledes* xxv. die *Junii*. Et duplicantur. It ſeems there were many falſe counterfeit Freers, and cheating Collectors of Alms then, as well as in late times. Pro fratribus Sancti Antonii.

An. 8 *E.* 1. In the 8. year of King *Edward* the 1. some other Monks turning Apostates, and wandring abroad out of their Mansions; the King issued these Writs for their apprehension and castigation.

Pat. 8 E. 1. m. 1. De Canonico vagabundo arrestando.

REX Vicecomitibus, Ballivis, & omnibus fidelibus suis ad quos, &c. salutem. Quia per literas patentes dilecti nobis in Christo Prioris de *Tonebrugg.* nobis transmissas accepimus, quod *Robertus* dictus *Juvenis*, Canonicus dictæ Domus, spreta professione sua, ordinem illum egressus, vagatur in habitu seculari per diversos Comitatibus Regni nostri, in animæ suæ dispendium, et prædicti ordinis scandalum manifestum. Volentes ipsius insolenciam reprimere, et prædicti ordinis honestati specialiter prospicere in hac parte, vobis districtè præcipimus, quod præfatum *Robertum* prædictum ordinem sic egressum ubicumque inventus fuerit in Ballivis vestris sine dilatione faciatis arrestari, prout dilectus nobis in Christo Prior de *Tonebrugg.* vobis intimabit, & ipsum præfato Priori, vel ejus attornato præsentes literas deferenti, una cum literis Prioris ejusdem juxta exigentiam ejusdem ordinis castigandum liberetis. Talem ad hoc diligentiam apponentes, quod eam merito debeamus commendare, & ne pro defectu vestri querimonia ad nos inde proveniat. In cujus, &c. Teste Rege apud *Westm.* xv. die *Novembris.*

Pat. 8 E. 1. m. 3. De Monacho vagabundo arrestando.

The like Writ *verbatim* issued to apprehend *Willielmus de Stanneswerth* Monachus de *Seleby.* T. R. apud *Westm.* xxx. die *Octobris.* duratur. usque ad Term. Paschæ prox. futuro.

Sundry Monks and Converts of the *Cistercian* Order, then likewise deserting their Order and Cloisters, and wandring abroad in secular and other habits, to the scandal of their Order, and peril of their souls; the King thereupon issued this Writ for their apprehension and punishment.

Pat. 8 E. 1. pars unica, m. 4. De Monachis vagabundis arrestandis.

REX Vicecomitibus & omnibus Ballivis & fidelibus suis, &c. salutem. Quia pro certo accepimus, quod quidam Monachi et Conversi de Ordine Cisterciensi spreta professione sua ordinem illam egressi, vagantur aliquando in habitu seculari, et aliquando in habitu Regulari per plures Comitatus nostros, in dispendium animarum suarum, et prædicti ordinis scandalum manifestum; Volentes ipsorum insolentiam reprimere, et prædicti ordinis honestati specialiter in hac parte providere, vobis districte præcipimus, quod Monachos et Conversos ordinem prædictum sic egressos, ubicumque inventi fuerint in Ballivis vestris sine dilatione faciatis arrestari, prout dilectus nobis in Christo Abbas de *Valle Dei* vobis intimabit, & ipsos prædicto Abbati vel ejus attornato præsentes literas deferenti, simul cum literis Abbatis ejusdem juxta exigentiam ejusdem ordinis castigandos liberetis. Talem ad hoc diligentiam apponentes, quod eam merito commendare debeamus, & quod pro defectu vestri querimonia ad nos inde non perveniat. In cujus, &c. duraturas usque ad festum *Natalis Domini* proximo futur. Teste Rege apud *Langele* xvi. die *Octobris.*

The same year the Archbishop of *Canterbury* by his usurped Jurisdiction suing and excommunicating the Kings Bailiffs of *Suthwarke* in his Ecclesiastical Court for attaching the Kings tenant there in his layfee for certain trespasses against the peace, according to Law, alleging that the conusance of such causes belonged to his Ecclesiastical Court, to the prejudice of his Crown and Jurisdiction, and to their great Grievance; the King thereupon issued this memorable Writ of Prohibition to the Archbishop commanding him to desist from this prosecution of them, and to absolve them from their excommunication.

Clauf. 8 E. 1. memb. 6. dorso. Pro Hugone de Digneveton, & Johanne de Hatton. De Prohibitione.

REX Venerabili Patri *J. Cantuar.* Archiepiscopo, totius *Angliæ* Primati, salutem. Monstraverunt nobis *Hugo de Digneveton*, & *Johannes de Hatton* Ballivi nostri de *Suthwerk*, quod cum ipsi nuper *Alanum Punyot* hominem nostrum in Laico feodo nostro in *Suthwerke* pro quibusdam transgressionibus per ipsum contra pacem nostram factis, ut dicitur, juxta officii sui debitum attachiassent, prout hactenus fieri consuevit, sicut ipsi parati sunt verificare coram nobis, prout Curia nostra duxerit considerandum; vos asserentes, cognitionem placitorum de hujusmodi attachiamentis ad forum Ecclesiasticum pertinere, trahitis eos in placitum in Curia Christia-

Christianitatis coram vobis, et ea occasione Excommunicationis sententiam in eos fulminari fecistis, ut sic quod nostrum hactenus extitit per hujusmodi cohercio-nes Ecclesiasticas vobis possitis usurpare, in nostri præjudicium manifestum, et dictorum Vallivorum nostrorum dampnum non modicum et gravamen. Cum igi-tur placita de feodalibus et libertatibus feodalium, ac rerum secularium quibuscun-que personis seu dignitatibus a nobis seu progenitoribus nostris in regno nostro concessis, nostræsint et esse consueverint Jurisdictionis; Nosque parati simus si forte vos aut vestri de dictis Vallibis nostris conqueri volueritis vobis in hac parte plenam et celerem justitiam exhibere, vobis prohibemus ne per sententias ali-quas aut coherciones Ecclesiasticas dictos Vallibos nostros super præmissis in cau-sam vel placitum trahatis coram vobis in Curia Christianitatis, quia hujusmodi placita spectant ad Coronam et dignitatem nostram. Et sententias si quas in ipsos Vallibos nostros occasione prædicta promulgari feceritis, sine dilatione revocari faciatis. Teste Rege apud *Westm.* 28 die *Maii.* *An.* 8 *E.* 1.

What forms of Recognizances the Popes Merchants and Usurers took for mo-neys borrowed of them, and paid to the Pope by our Bishops for the pretended be-nefit of their Churches, themselves and successors, and renouncing all benefit of the Canon, Civil, or Common Law, to avoyd these Obligations upon any pretext, this Recognizance of the Bishop of *Norwich* will ascertain us.

VNiversis præsentes Literas inspecturis, *Willielmus* permissione divina *Norwi-cen.* Episcopus, salutem in Domino sempiternam. Noverit universitas ve-stras quod licet nos recognoverimus in Cancellaria coram venerabili fratre nostro Domino *R.* Dei gratia *Bathon.* & *Wellen.* Episcopo, Illustris Regis *Anglie* Cancella-rio, nos teneri ex causa mutui *Johanni Symmonetti*, *Richardo Guidicionis*, & *Bonren-cino*, Domino *Waltero*, & aliis eorum sociis Civibus & Mercatoribus *Lucanen.* in Quingentis decem & septem Marcis bonorum novorum & legalium sterlingorum, solvend. *London.* terminis infrascriptis, videlicet Ducentis & quinquaginta octo Marcis & dimidia in festo *Purificationis* beatæ *Marie* Virginis prox. ventur. & aliis Ducentis quinquaginta & octo Marcis & dimidia in festo Nativitatis beati *Johannis Baptistæ* proximo tunc sequente. Volentes tamen dictis Mercatoribus de dicto debito plenius caveri, promittimus supradictis Mercatoribus supradictas quingentas & decem & septem Marcas quas confitemur & in usus & utilitatem nostram & Eccle-siæ nostræ esse conversas dare, solvere & numerare *London.* in domo eorum termi-nis suprascriptis. Et si, quod absit, in solutionibus prædictis vel earum aliqua de-fecerimus, promittimus refundere & restaurare eisdem, vel eorum alteri omnia dampna & expensas quæ & quas fecerint vel aliquis eorum fecerit, incurrerint vel incurrerit pro defectu dictæ pecuniæ prædictis loco & temporibus non solutæ; de quibus dictis Mercatoribus vel uni eorum, vel eorum aut unius eorum procur. credi volumus per simplex verbum suum tantum sine juramento, vel alterius honere pro-bationis. Et propter hoc obligamus nos, Ecclesiam nostram, et successores nostros, et omnia bona et catalla nostra, Ecclesiæ nostræ *Norwicensis*, et successorum no-strorum mobilia et immobilia, Ecclesiastica et mundana, præsentia et futura, ubi-cunque inventa fuerint, eisdem Mercatoribus et cuilibet de Societate eorum distrin-genda, per Dominum Regem *Anglie*, et quemcunque alium de ipsius mandato, usque ad solutionem plenariam et satisfactionem omnium et singulorum præmisso-rum. Et renunciamus in his omni Juris auxilio Canonici et Civilis, Constitu-tioni de duabus dietis editæ in Concilio Generali, conventioni Judicum et locorum, contradictioni literarum Apostolicarum, Exceptioni non mutuatæ, et non numera-tæ nobis dictæ pecuniæ, et omnibus aliis exceptionibus, juribus et defensionibus quæ nobis prodesse poterunt, et dictis Mercatoribus in præmissis obesse, vel aliquo præmissorum, et juri dicenti generalem renunciationem non valere. Dat. &c. apud *Lanthan* sexto Kal. *Julii.* Anno Domini 1280. Clauf. 8 E. 1. m. 5. dorso.

King *Edward* the same year, at the supplication of the *Freers Predicants* in *Eng-land*, who desired to preach unto the *obstinate Jews*, thereby to convert them to the *Christian Faith*, and turn them from their *antient Errors*, *Blindnesse*, and *Unbelief*, by his Soveraign Ecclesiastical Prerogative issued this notable Writ and Proclama-

tion

An. 8 *E.* 1. tion to all his Sheriffs, Bayliffs, and other Liege people, commanding them to induce the *Jews* in all places to resort unto, and hear these Freers preachings, without *blasphemy* or *disturbance*, at such times and places as the Predicants should direct.

Pat. 8 E. 1. m. 27. De Prædicando Judæis. See the Second Part of my Brief Demurrer, &c. p. 88.

REX *Vicecomitibus & omnibus Ballivis & fidelibus suis, salutem. Cum dilecti nobis in Christo Fratres de ordine* Prædicatorum *in* Anglia, Judæis quorum mentes vetustas erroris et perfidiæ obnubulat et obcæcat, prædicare proponunt Verbum Dei, quo facilius interveniente gratia Spiritus Sancti, ad fidei Catholicæ converti valeant unitatem: *Et ob hoc dilectus nobis in Christo Prior Provincialis ejusdem ordinis nobis supplicaverit*, ut vobis demus in mandatis, Quod omnes *Judæos* ubicunque locorum in Ballivis nostris conversantes efficaciter moneatis & inducatis, quod in locis ubi vobis, de consilio Fratrum ipsorum magis expedire videbitur, ad audiendum Verbum Dei conveniant, & illud ab eisdem Fratribus, absque tumultu, contentione, vel blasphemia, audiant diligenter & benigne. Et si fortè Altissimus, velamen duritiæ à cordibus eorum auferens, aliquibus vel alicui ipsorum *Judæorum* gratiam dederit convertendi, quod cæteri *Judæi* eis super hoc non impediant, nec per alios impedire procurent. *Nos prædictum* propositum *ipsorum Fratrum attendentes* pium et salubre, et precibus *prædicti Prioris favorabiliter annuentes in hac parte, vobis mandamus*, Quod omnes Judæos in Ballivis vestris conversantes, ad præmissa facienda efficaciter moneatis, et eos ad hoc modis quibus melius sciveritis inducatis, prout unicuique vestrum inspiraverit Spiritus veritatis. *In cujus, &c.* quamdiu Regi placuerit duratur. *Teste Rege apud* Winton. 2 *die* Januarii.

What good effects this zealous pious project of the Frees Preachers, and King in pursuit thereof, produced in converting any considerable number of *Jews* to the Catholick Faith, I finde not in our Histories or Records: But their universal banishment out of *England* within 8. years after, * *principally for their Infidelity*, sufficiently manifests, that all the endeavours then used for their conversion, by drawing them to these Preachers Sermons, and the provisions made by the King for the Converts support elsewhere specified, were very successlesse.

* See the First & Second Part of my Brief Demurrer to the Jews long discontinued Remitter into England.

The Pope encouraged by his former Usurpations, in preferring Archbishops by his own Provisions to both our Archbishopricks, by the Kings connivance, presumed this year to conferre the Bishoprick of *Carlisle* by his Papal Provision on *Ralph de Ireton*, as this Patent (for restoring the Temporalties to him out of the Kings grace) attests.

Pat. 8 E. 1. m. 10. intus. De Temporalibus Episcopatus Karlioli restitutis.

REX *Militibus, liberis hominibus, & omnibus aliis tenentibus de Episcopatu* Karlioli, *salutem. Sciatis*, quod cum Dominus Papa venerabilem Patrem Radulphum de Ireton *quondam Priorem de* Gisburne, præfecerit in Episcopum Karlioli, sicut per literas patentes ipsius Domini Papæ nobis inde transmissas, nobis constat evidenter; nos fidelitatem ipsius Episcopi cepimus, et de gratia nostra reddidimus ei Temporalia Episcopatus prædicti. *Et ideo vobis mandamus, quod eidem Episcopo tanquam Domino vestro in omnibus quæ ad Episcopatum prædictum pertinent intendentes sitis & respondentes. In cujus, &c. Teste Rege apud* Seleburne, 10 *die* Julii.

What annual Pensions the King gave and paid to Cardinals and Notaries of the Court of *Rome* this year, to expedite his affairs therein, these Warrants in the Liberate Roll will inform us.

Liberate 8 E. 1. m. 14. intus. Pro Domino J. Sanctæ Mariæ in Chosmedyn. Diac. Cardinali.

REX *Thesaurario & Camerariis suis, salutem. Liberate de Thesauro nostro venerabili patri* J. Sanctæ Mariæ *in* Chosmedyn. *Diac. Cardinali*, Centum Marcas, *videlicet, Viginti & quinque Marc. de Termino Sancti* Michaelis *anno regni nostri sexto, & Quinquaginta Marcas de Terminis* Paschæ *& Sancti* Michaelis *anno regni nostri septimo, & Viginti & quinque Marcas de Termino* Paschæ *anno regni nostri octavo*, de annuo feodo suo Quinquaginta Marcarum quod ei concessimus percipiendum ad Scaccarium prædictum. *Teste Rege apud* Westm. 10 *die* Junii.

REX

An. 8 *E.* 1.

REX *Theſaurario & Camerariis ſuis, ſalutem. Liberate de Theſauro noſtro venerabili patri Domino* O. Tuſculano *Epiſcopo* ſingulis annis ad Scaccarium noſtrum Paſchæ, Quadraginta Marcas, quas ei conceſſimus annuatim ad eundem Terminum percipiendas ad totam vitam ſuam. *Teſte Rege apud* Dounamen 3 *die* Marcii. *Et ſunt patentes.*

Ibid. m 7. intus. Cedul.

REX *Theſaurario & Camerariis ſuis, ſalutem. Liberate de Theſauro noſtro* Baruntino Walteri, Richardo Guidicionis, *& ſociis ſuis Mercatoribus de* Luk, Quaterviginti Marcas, *per manus ſuas liberandas dilecto Clerico noſtro Magiſtro* Berardo *de* Neapol. Domini Papæ Notario, *videlicet*, Quadraginta Marcas *de Termino Sancti* Michaelis *anno regni noſtri ſeptimo, &* Quadraginta Marcas *de Termino* Paſchæ *anno regni noſtri octavo*, de annuo feodo ſuo Quaterviginti Marcarum quod de nobis percipit. *Teſte Rege apud* Briſtoll 23 *die* Aprilis.

Ibid. Pro Baruntino Walteri & ſociis ſuis Mercatoribus de Luk.

The King ſeiſing the Goods and Chattels of the Biſhop of *Lincoln* after his deceaſe, reſtored them to the Executors of his Teſtament, having given ſecurity to ſatisfie all Debts due by him to the King on the day he deceaſed.

QUia Magiſter *Ricardus de Graveſhend*, unus Executorum Teſtamenti bonæ memoriæ *Ricardi Lincoln.* Epiſcopi, manucepit coram Rege de ſatisfaciendo Regi de omnibus debitis ſi quæ idem Epiſcopus Regi debuit die quo obiit; mandatum eſt *Johanni de Berewik* cuſtodi Epiſcopatus *Lincoln.* ſede vacante, quod eundem Magiſtrum *Ricardum* de omnibus bonis & catallis quæ fuerunt prædicti Epiſcopi die quo obiit, & quæ occaſione mortis ejuſdem capta ſunt in manum Regis, plenam & liberam adminiſtrationem habere permittat, ad executionem Teſtamenti prædicti inde faciendam per manucaptionem prædictam. Teſte Rege apud *Londhurſt* 20 die *Januarii.*

Rot. Fin. 8 E. 1. m. 18. De Executoribus Teſtamenti Lincolnienſis Epiſcopi.

The like Writ iſſued for the Executors of the laſt Will and Teſtament of the Biſhop of *Winton*, *Ibid. m.* 17.

The King having recovered the Patronage of the Hoſpital of St. *Nicholas* by *York*, againſt the Archbiſhop, authorized the Sheriff of the County in his name, by advice of the Juſtices Itinerant, to enquire after and preſent a fit Clerk thereto, to take care of the ſouls belonging to the Pariſh Church of that Hoſpital.

REX Vicecomiti *Eborum*, ſalutem. Cum venerabilis pater *W. Eborum* Archiepiſcopus nos rogaverit, ut ad cuſtodiam Hoſpitalis Sancti *Nicholai* extra *Eborum*, cujus advocationem verſus eundem Archiepiſcopum nuper diſrationavimus in Curia noſtra coram Juſticiariis noſtris in eodem Comitatu, præſentari faciamus aliquem Clericum idoneum, qui de cura animarum ad Eccleſiam Parochialem ejuſdem Hoſpitalis ſpectancium valeat reſpondere: Nos ipſius Archiepiſcopi rogatui in hac parte favorabiliter annuentes, tibi præcipimus, quod per conſilium Juſticiariorum noſtrorum apud Eborum Itinerantium inquiras aliquem idoneum Sacerdotem, vel Clericum idoneum, qui in brevi ſe faciat in Sacerdotem ordinari, & ipſum prædicto Archiepiſcopo nomine noſtro præſentes ad cuſtodiam Hoſpitalis prædicti in forma prædicta. Teſte Rege apud *Weſtm.* 12 die *Novembris.*

Clauſ. 8 E. 1, m. 1. intus.

The King to preſerve his prerogative in his free Chappels, iſſued this Writ to the Sheriff of *Glouceſter*, not to permit the Biſhop of *Worceſter*, or his Officials or other Miniſters, Chaplains or Clerks, to viſit or exerciſe any ordinary Juriſdiction within the Free Chappel of *Kyneleye*, belonging to him by reaſon of a Ward under age, during his Minority.

REX Vicecomiti *Glouceſtriæ* ſalutem. Præcipimus tibi, quod non permittas venerabilem patrem *G. Wygorniæ* Epiſcopum, vel Officialem, aut alios miniſtros ſuos Capellanos, Clericos, aut alios miniſtros liberæ Capellæ de *Kyneleye*, infra manerium de *Nyndesfeld*, quod eſt de hæreditate *Nicholai* filii *Radulphi* infra ætatem, et in cuſtodia noſtra exiſtentis viſitare, vel Juriſdictionem ordinariam in

Clauſ. 8 E. 1. m. 8. Pro Nicholao filio Radulphi.

eadem

Ar. 8 *E.* 1. eadem libera capella exercere, aut in ea aliquid contrà tenorem Inquisitionis nuper de præcepto nostro super hoc per dilectum et fidelem nostrum *Radulphum de Sandwyco* Senescallum nostrum factæ, cujus transcriptum præsentibus interclusum tibi transmittimus attemptare, set ipsam Capellam et ministros suos in eodem statu in quo fuerunt die obitus prædicti *Radulphi* patris prædicti *Nicholai* manuteneas, protegas et defendas durante custodia suprædicta, juxta tenorem inquisitionis prædicto: et hoc nullo modo omittas. Teste Rege apud *Westm.* xxii die *Maii.*

The King also to defend the rights and priviledges of his Free Chappels in *England*, against the Bishops visitations, excommunications, and encroachments, constituted a General Proctor for that purpose by this Patent, entred in the Roll of *Gascoigne*, giving him authority to defend the same in all places upon all occasions in his name and right, and to prosecute such as invaded their persons or rights in any kinde.

Rot Vasconiæ 8 E. 1. m. 5. intus. Procuratorium pro Capellis Regiis.

REX omnibus Ballivis, &c. salutem. In omnibus causis et negociis liberas Capellas nostras in Regno *Angliæ* constitutas ubicumque, et coram quibuscumque personis contingentibus, dilectum Clericum nostrum *Radulphum de Merlawe* nostrum procuratorem facimus, constituimus, ac etiam ordinamus; Dantes eidem potestatem specialem nomine nostro agendi, defendendi, ac etiam prosequendi jura et libertates nostras in Capellis prædictis, et earum pertinenciis, tam in rebus quam in personis, prout juri et honestati Regiæ videbitur convenire; Appellandi etiam, appellaciones prosequendi, et omnia alia et singula faciendi quæ ad conservacionem et tuitionem jurium et libertatum hujusmodi pertinere noscuntur. Ratum & firmum habituri quicquid dictus *Radulphus* quibuscunque diebus & locis nomine nostro in præmissis omnibus & singulis duxerit faciendum. Hæc omnibus quorum interest tenore præsentium intimamus. In cujus, &c. Teste Rege apud *Westm.* primo die *Decembris.*

How the Popes Delegates and Bishops encroached Jurisdiction in temporal matters, suits, causes, by awards in suits between themselves, wherein they submitting themselves to the Popes and Bishops Censures if they violated them, this award made by the Popes Delegates between the Prior of *Lenton*, and the Dean and Chapter of *Litchfield*, will inform us.

Clauf. 8 E. 1. Cedula. m. 11. dorso.

MEmorandum quod cum inter Religiosos viros Priorem & Conventum de *Lenton Cluniacensis* ordinis ex parte una, & venerabiles viros Decanum & Capitulum Ecclesiæ *Licheffeldensis* ex altera, super quibusdam Decimis sitis in parochia de *Bathekwell* & de *Hop.* & de *Tydeswell*, & super quadam spoliacione earundem facta vi armata, & super quadam Compositione super eisdem inita, orta fuisset materia quæstionis; Tandem amicis communibus intervenientibus, videlicet Domino *Antonio Bek* Archidiacono *Dunelmensi*, & Magistro *Thoma Bek* Archidiacono *Dorsetensi* lis inter partes memoratas in hunc modum conquievit; videlicet, *quod Compositio facta inter partes per fratrem* Walterum *quondam Gardianum fratrum Minorum* Leycestriæ, *& Dominum* Adam *quondam Archidiaconum* Cestriæ *in omnibus suis articulis inviolabiliter imperpetuum observetur.* Which is recited at large *Ibid. m.* 11. *dorso.* In which composition there was this agreement and award made in case of violation.

Clauf. 8 E. 1. m. 11. dorso. De Compositione inter Priorem & Conventum de Lenton, & Decanum & Capitulum Ecclesiæ Lichfeldensis.

IN *Nomine Domini Amen. Pateat universis, &c. Quod Compositio per discretos viros Magistrum* Adam de Stafford *quondam Archidiaconum* Cestriæ, *& fratrem* Walterum *quondam Gardianum fratrum Minorum* Lenton. Judices a sede apostolica delegatos, et auctoritate ejusdem Sedis super prædictis Decimis quondam inita et ordinata in suo robore inviolabiliter perpetuis temporibus observetur super Decimis de quibus contentio erat inter partes, eisdem Decano et Capitulo silencium perpetuum imponentes, eisdem adjudicantes dictis Priori et Conventui de *Lenton.* et quod dicti Religiosi dent et solvant dictis Decano et Capitulo *Lechfeldensi* inter festum beati *Cedde* Episcopi et Confessoris, Anno Domini M. CC. septuagesima nono in Ecclesia Cathedrali Lechfeldiæ sexaginta et quindecim marcas, *&c. quod extunc*

tunc teneantur dicti Religiosi prædictis Decano & Capitulo Lechfeld *in mille Marcis bonorum & legalium sterlingorum nomine interesse solvendis. Ad quas mille marcas fideliter persolvendas, si in prædictis vel in aliquo prædictorum defecerint ut præmittitur, dictus Prior & procurator ipsius Proris & Conventus de* Lenton. *se obligaverunt bona fide & stipulacione solempni prædictis Decano & Capitulo* Lechfeld. subjicientes se et omnia bona sua habita et habenda in *Coventrensi* et *Lechfeldensi* Diocesi cohercioni et districtioni Domini *Coventrensis* et *Lechfeldensis* Episcopi qui pro tempore fuerit, ut ipse sine strepitu judiciali possit eos compellere ad solucionem dictarum mille marcarum si in præmissis defecerint, vel aliquo præmissorum, per sequestracionem omnium bonorum suorum in dicta Diocæsi existentium, et alia censura qua sibi viderit expedire, non obstantibus aliquibus privilegiis vel exemptionibus sibi vel ordini suo indultis vel indulgendis. *Et prædictus Prior & Procurator ipsius Prioris & Conventus de* Lenton. promiserunt bona fide et fideliter se obligaverunt, *quod omnia & singula supradicta procurabunt pro posse suo per Abbatem suum* Cluniacensem *approbari, et etiam per literas ejus patentes harum seriem continentes realiter confirmari, &c. Similiter prædictus Decanus & Capitulum Ecclesiæ* Lechfeldensis *hæc omnia supradicta emologabunt, approbabunt, & per literas suas patentes harum seriem continentes realiter confirmabunt.* Promiserunt etiam dicti Procuratores Decani et Capituli *Lechfeld* bona fide et se firmiter obligaverunt, *quod omnia & singula supradicta procurabunt pro posse suo per Episcopum suum approbari, & eciam ex certa sciencia confirmari de confirmacione Archiepiscopi* Cantuariæ, & Romani *Pontificis, &c. Submiserunt eciam se dictus Prior & procurator ipsius Prioris & Conventus de* Lenton. *& procuratores prædictorum Decani & Capituli* Lichefeld. *ex certa scientia non per errorem* cohercioni et districtioni dicti *Cantuariensis* Archiepiscopi, vel ejus Officialis qui pro tempore fuerit, ut quæcunque illorum pars, si qua (quod absit) per partem in aliquo venientem contra prædicta, vel aliquod prædictorum in aliquo venientem, sine strepitu Judiciali, et absque alicujus probacionis onere, hortantium scripto viso possit compellere ad observacionem omnium et singulorum prædictorum, et ad pœnam si eam aliqualiter committi contingat plene persolvendam censura qua sibi videbitur expedire. (Thus our Bishops and Archbishops encroached and enlarged their Ecclesiastical power and Jurisdictions by such awards and submissions.) Ordinaverunt eciam Ordinatores præpedicti, *quod procuratorium Decani & Capituli* Lechefeld. *sub magno sigillo eorundem penes prædictos Priorem & Conventum de* Lenton. *resideat, & vice versa quod procuratorium prædictorum Prioris & Conventus de* Lenton. *penes Decanum & Capitulum Ecclesiæ* Lechefeld. *remaneat. Et dictus Prior & procurator ipsius Prioris & Conventus de* Lenton. *& supradicti procuratores Decani & Capituli* Lechefeld expresse renunciaverunt in his scriptis beneficio restitutionis in integrum, et omni juris auxilio Canonici et Civilis, et quibuscunque privilegiis et literis a sede apostolica alterutri parti concessis et concedendis, impetratis et impetrandis, litibus motis et movendis, sentenciis diffinitivis et interloquitoriis, et aliis juribus et exceptionibus quibuscunque, per quæ supradicta vel aliquod prædictorum possent revocari, vel aliquatenus infringi. Et nos procuratores partium prædictarum omnia et singula supradicta ratificabimus, approbabimus, et eciam omologabimus. *In quorum omnium & singulorum præmissorum testimonium nos dicti Arbitratores, Ordinatores, seu amicabiles Compositores sigilla nostra huic scripto, una cum sigillis procuratorum dictarum partium apposuimus, decernentes sigilla partium autentica huic scripto apponenda. Acta sunt hæc apud* Winton. *in Crastino Circumcisionis Domini M.CC. septuagesimo nono.* *An.* 8 *E.* 1.

The Mayor, Peers, and Commonalty of *Bayon* in *Gascoigne* having offered a great injury and affront to their Bishop, (in cutting off his Officials hand judicially, and banishing him the City) for which they were excommunicated and interdicted by the Pope; King *Edward* the 1. enjoyned the Mayor and 100. Peers this penance by his Regal authority: which done, he ordered the Bishop to absolve them from their Excommunication and Interdict.

Rot. Vascon. 8 E. 1, m. 9. intus. De compromisso facto super contentionibus & discordiis motis inter Episc. Baionensem & Major. Centumq; pares & totam Communitatem Bayon.

IN nomine Domini *Amen.* Quia multæ circumstanciæ facti atrocitatem habent merito mitigare: Nos *Edwardus* Dei gratia REX *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, à venerabili patre Domino eâdem gratia *Baionensi* Episcopo ex parte una, & Majore, Centumque Paribus, ac tota Communitate *Bayon.* ex alterâ, super

An. 8 E. 1. per contencionibus, quæstionibus, & discordiis inter eos motis, in nos arbitrandi, ordinandi, faciendi, diffiniend. altè & bassè non servato eciam juris ordine potestate translata, prout in compromisso super hiis facto plenius continetur ex bono & æquo, actis et processu diligenter examinatis, pensatis undique personarum, rerum & negociorum conditionibus universis, arbitramur, diffinimus, statuimus, ordinamus, laudamus, et dicimus, quod pro injuriis Deo, Ecclesiæ, et prædicto Episcopo irrogatis, Major et alii prædicti qui præsentes Judicio consenserunt per quod *Mamaldus de Abys* manum habuit mutilatam, videlicet Centum pares, (*Arnaldo de Pelyne*, & *Johanne de Castro Jeloso* qui præfato Judicio reclamabant duntaxat exceptis) die Nativitatis beatæ *Mariæ* Virginis processionem sollempniter faciant a domo Communitatis prædictæ incipientes, et usque ad majus altare Cathedralis Ecclesiæ procedentes, quilibet eorum in sola tunica sine corregia et copsa, cum uno cereo, ad minus unius libræ ceræ accenso, Cereosque ipsos ad altare prædictum cum devotione offerant et dimittant, et per Episcopum istius rei causa in Ecclesia ipsa populo publice exponatur; et quod Major, centumque Pares, et qui Judicio interfuerunt et concesserunt, *Maynaldo de Abys* ad sustentacionem suam perpetuam contribuunt ducentas libras *Burdegalenses* ad Natale Domini, & ad festum Nativitatis Sancti *Johannis Baptistæ* proximo sequens pro æqualibus portionibus solvendas: Et ne qui sine culpa fuerint pœna percellat; volumus & mandamus, quod cum res urgeat, Senescallus noster aut Ballivus de his qui Judicio prædicto *concesserunt aut interfuerunt inquirendi liberam habeant potestatem. Prædictum verò *Maynaldum* per sententiam bannitum ad Civitatem ipsam per nostrum dictum seu diffinitionem restituimus. Arbitramur insuper, diffinimus, statuimus, ordinamus, laudamus & dicimus, quod Major, Centum pares, & Communitas memorati prædicto Episcopo dent et solvant Quingentas libras sterlingorum citra festum Sancti *Martini* in yeme. Et quia in hujusmodi Collectis aliquando pauperes indebitè gravantur; præcipimus, quod Senescallus noster aut Ballivus videat ne nimis onerentur, nec prætextu istius pecuniæ collecta majoris pecuniæ fiat. Volumus eciam & præcipimus, ut procuratores partium aut partes ipsæ coram nobis præsentes hoc nostrum arbitrium, diffinitionem, statutum, ordinationem, laudum & dictum, statim per suam scripturam omologent & acceptent. Reservamus itaque nobis specialiter potestatem hoc nostrum arbitrium, diffinitionem, statutum, ordinationem, laudum & dictum corrigendi, declarandi, & interpretandi, aliàs semel aut pluries prout nobis videbitur expedire. Et in hiis omnibus reservamus Nobis Regalem potestatem et dominicam emendas capiendi pro libito nostro cum nobis placuerit, quatinus prædicta delicta nostram Regiam potestatem offenderint seu dominicam. Nos vero *Robertus* Dei gratia *Bathonienſis & Wellenſis* Episcopus à partibus prædictis arbiter, concorditer similiter electus, in hiis si quæ sint quæ jure refragante non possunt cadere in personam Domini Regis prout in forma compromissi plenius continetur, sentencias excommunicacionis et interdicti in prædictos Majorem, Centum Pares, et Communitatem prædictam latas arbitramur, ordinamus, diffinimus, et dicimus per .. *Baionensem* Episcopum revocandas, et petentes ab eodem absolutionis beneficium et dicta causa sine difficultatis obstaculo fore absolvendos. Actum & datum in palatio nostro Regali Tercio die *Junii*, Anno Domini M. CC. octogesimo primo. Et triplicantur.

Some of the Kings Subjects within the Bishoprick of *Agen* in *Gascoigne*, seising, substracting the Bishops Tithes, and invading his Subjects persons and goods; the King upon the Bishops complaint issued this Writ to his Seneschal to do them right, and restore their Tithes.

Rot Vasconiæ, 8 E. 1. m. 11. intus. De Agenensi Episcopo & subditis suis.

REX dilectis suis universis Senescallis, Judicibus, Ballivis, Castellanis, cæterisque Ministris in Episcopatu *Agenensi* constituris, & qui pro tempore fuerint, salutem. Licet venerabilis pater *Arnaldus* Dei gratia *Agenensis* Episcopus in servicio suo existat, invenit tamen, ut asserit, qui in decimis suis abjuratis et incursis, et possessionibus aliisque bonis suis et subditorum suorum impedimentum præstare non formidant, personas invadendo, decimas et bona occupando et diripiendo. Cumque Senescallus noster *Agenensis* ex debito juramenti præstiti eidem Episcopo & sociis suis ad tuitionem personarum, Decimarum et bonorum tenetur; Vobis distri-

ctè

ctè præcipiendo mandamus, quatinus alter alterum non expectans **dictos Epiſcopum et ſubditos quos ſub cuſtodia noſtra et protectione ſuſcipimus, in perſonis et bonis defenſionis ſubſidio aſſiſtatis, Decimaſque incurſas poſſeſſas et abjuratas habere plene et libere faciatis, abſque ſtrepitu Judicii, et de plano, et ipſe eorumque Procuratores et Collectores Decimarum ipſarum faciatis plena et pacifica poſſeſſione gaudere, ſalvo in omnibus jure noſtro, et etiam alieno; contradictores et rebelles ſi quos inveneritis, prout melius expedire videritis compeſcendo. Præcaventes, quod ſi quid de Decimis alienatis, poſſeſſis et incurſis raptum, invaſum ſeu occupatum fuerit, eiſdem Epiſcopo et ſubditis, vel eorum mandatis plenam reſtitutionem fieri faciatis.** In cujus, &c. Teſte Rege apud *Weſtm.* 22 die *Novembris*. *An.* 8 E. 1.

A Biſhop and Chapter in *Aquitan* being rebellious againſt the King, he gave this order to his Seneſcal to proceed againſt them in the Court of the King of *France*.

REX dilecto, &c. *Johanni de Greilly* Seneſcallo ſuo in Ducatu *Aquitaniæ*, ſalutem. Super controverſiis pendentibus in Curia *Franciæ* inter nos & Epiſcopum & Capitulum *Vaſatenſe* ex altera, volumus & mandamus, **pro eo quod Epiſcopus et Capitulum prædict. nobis rebelles fuerunt, quod in eiſdem per viam litis et judicii ulterius procedatur, ſi id ad noſtrum commodum, et ad eorundem Epiſcopi et Capituli fatigationem fore videritis oppportunum.** Quod ſi ob aliquas cauſas utile fore non videritis, mittimus vobis literas noſtras Domino Regi *Franciæ* dirigendas, negotia prædicta tangentes ut petiſtis, quas eidem porrigere poteritis, ſi id videritis expedire. Alioquin cuſtodiatis eas nobis cum opportunè poteritis remittendas. Dat. apud *Ceſtriam* 8 die *Junii*. Rot. Vaſcon. 8 E. 1. m. 4. dorſo. De controverſiis inter Regem & Epiſcopum & Capitulum Vaſatenſem.

The Dean and Chapter of *Cluon* (*Clon*) in *Ireland*, upon the death of their Biſhop, having ſent a Meſſenger to the King to deſire his licenſe to elect a new Biſhop, who died by the way, whereupon they elected a Biſhop without a licenſe, to the Kings manifeſt prejudice; the King notwithſtanding out of his ſpecial grace, putting them to a Fine for this contempt, was pleaſed to confirm their election, if it ſhould be Canonically confirmed; the Biſhop, Dean and Chapter giving ſecurity under their Letters Patents and Seals, that this grace of his ſhould not prejudice him or his Heirs, nor be drawn into cuſtom for the future, by this Writ.

REX dilecto & fideli ſuo *Roberto de Ufford* Juſtic. ſuo *Hiberniæ*, vel ejus locum tenenti, ſalutem. Veniens ad nos frater *Gilbertus* Monachus de *Innocentia* juxta *Adlon*, nobis dedit intelligi, quod cum Decanus & Capitulum *Cluon.* nuper ratione vacationis Epiſcopatus *Cluon.* per mortem fratris *Thomæ* nuper Epiſcopi ejuſdem loci, quendam Nuncium cum literis Capituli ſui patentibus, **pro licentia alium eligendi in Epiſcopum a nobis optinenda, ad nos deſtinaſſent**; Et idem Nuncius inveniendo ad nos viam univerſæ carnis ſit ingreſſus, **iidem Decanus et Capitulum licentia a nobis non optenta, quendam fratrem de ordine Minorum in Epiſcopatum loci prædicti jam elegerunt, in noſtri præjudicium manifeſtum.** Quia vero dictis Decano & Capitulo **gratiam in hac parte facere volumus ſpecialem**; Vobis mandamus, **quod accepto ab eiſdem Decano et Capitulo rationabili fine ad opus noſtrum, pro eo quod hujuſmodi electionem fecerunt licentia a nobis ſuper hoc prius non optenta, electioni prædictæ Regium aſſenſum loco noſtri adhibeatis hac vice de gratia noſtra prædicta.** Et quia laboribus & expenſis electi prædicti, **charitatis intuitu parcere volumus in hac parte**, vobis mandamus, quod ſi contingat eundem electum in Epiſcopum loci prædicti canonicè confirmari, **tunc recepta ab eodem electo nomine noſtro fidelitate nobis in caſu iſto debita, Temporalia Epiſcopatus prædicti liberetis. Receptis tamen prius literis patentibus ſigillo ſuo, necnon et ſigillo Capituli** Cluon. **ſignatis, quod hæc gratia noſtra quam eidem electo ad præſens ex mera liberalitate noſtra conceſſimus, nobis vel hæredibus noſtris non cedat in præjudicium vel exhæredationem, ſeu trahatur in conſuetudinem vel conſequentiam temporibus futuris.** *In cujus, &c. Teſte Rege apud* Langell. 20 *die* Julii. Clauſ. 8 E. 1. m. 8. intus. Pro Decano & Capitulo Cluon. in Hibernia.

An. 8 E. 1. The Prior and Covent of the *Mount* of the *Apostles* in *Luneth* in *Ireland*, having elected an Abbot without the Kings precedent license, and petitioning the King to confirm him; he thereupon out of his special grace, considering the poverty of the Abby, and willing to spare their expences and travel, commanded his Chief Justice to put them to a Fine for their contempt, and then to confirm the election, and restore his Temporalties, after Fealty made to the King, and security given by Letters Patents under the Seals of the Abbot and Covent, that this his special grace to them should not afterwards be drawn into consequence or example, to the prejudice or disinheritance of him or his Heirs.

Pat. 8 E. 1. m. 8. intus. Pro Priore & Conventu domus de Monte Apostolorum de Luneth in Hibernia.

REX dilecto & fideli suo *Roberto de Ufford* Justiciario suo *Hiberniæ*, vel ejus locum tenenti, salutem. Cum Prior & Conventus Domus de *Monte Apostolorum* de *Luneth* in *Hibernia* ratione vacationis Domus illius per cessionem fratris *Johannis* quondam Abbatis ejusdem Domus, fratrem *Johannem de Crok* Canonicum in Abbatem loci illius, **licentia a nobis super hoc prius non petita, eligerint, et nobis per literas Capituli sui patentes supplicaverint, ut electioni illi Regium assensum adhibere dignemur. Nos licet hujusmodi electionem in nostri præjudicium fecerint, compatientes tamen statui Domus prædictæ quæ valde (ut dicitur) est erhilis, et dictis Priori et Conventui gratiam facere volentes in hac parte specialem;** Vobis mandamus, **quod accepto ab eisdem Priore et Conventu rationabili fine ad opus nostrum, pro eo quod hujusmodi electionem fecerunt licentia super hoc a nobis prius non optenta, electioni prædictæ Regium assensum loco nostri adhibeatis hac vice de gratia nostra prædicta.** Et quia laboribus & expensis electi prædicti, charitatis intuitu parcere volumus in hac parte, vobis mandamus, quod si contingat eundem electum in Abbatem loci prædicti canonicè confirmari, **tunc recepta ab eodem electo nomine nostro fidelitate nobis in casu isto debita, Temporalia Abbatiæ illius liberetis. Receptis tamen prius literis patentibus sigillo suo, necnon et sigillo Capituli prædicti signatis, quod hæc gratia nostra quam eidem electo ad præsens ex mera voluntate nostra concessimus, nobis vel hæredibus nostris non cedat in præjudicium vel erhæredationem, seu trahatur in consuetudinem vel consequentiam temporis futuris.** *In cujus, &c. Teste ut supra.*

The Archbishop of *Canterbury* and his Suffragans intending to hold a Council or Convocation at *London* this year, the King being jealous by their late forecited Canons and proceedings in the Council of * *Reading*, that they would presume to enact something therein against his Crown and Dignity, issued this Patent and Commission to two of his Officers to repair to them, and appeal against such their Constitutions and proceedings.

* Herep. 233, to 237.

Pat. 8 E. 1. m. 10. intus. De Militibus missis Archiepiscopo Cantuar. & aliis Episcopis ad appellandum pro Rege.

REX Venerabili in Christo Patri *J. Cantuar.* Archiepiscopo, totius *Angliæ* Primati, **et omnibus Episcopis et aliis Prælatis, et absentium Procuratoribus** London. **conventuris**, salutem. Dilectos & fideles nostros *Rogerum* Extraneum, & *Hugonem* filium *Ottonis* Seneschallum Hospitii nostri, **ad vos duximus transmittendos, ad appellandum pro nobis, ne in Concilio seu Congregatione nuper apud** London. **convocata, contra Coronam et Dignitatem nostram aliqua statuere præsumatis.** In cujus, &c. Teste Rege apud *Wynton.* 6 die *Januarii*, anno regni nostri octavo.

Whereupon it seems the Archbishop and Bishops put off and adjourned their Council, and designed Constitutions, for that time.

An. 9 E. 1. The next year (*Anno* 9 *E.* 1.) this Archbishop held a Council at *Lambeth*, with his Suffragans, of which * *Thomas Walsingham* and others render us this account: *Frater* Johannes Peckham Cantuariensis *Archiepiscopus*, **ne nihil fecisse videretur, convocat Concilium apud** Lambheth, *in quo non Evangelii regni Dei prædicationem imposuit, sed Constitutiones* Othonis & Octoboni *quondam Legatorum in* Anglia *innovans*, **fulsit eas ab omnibus observari.** *Præterea leges Ecclesiasticæ sexdecem novas condidit, quæ inter provinciales Constitutiones continentur.*

* Hist Anglic p. 9. Mat Parker Antiquitat. Eccles Brit. p. 198. Spelmanni Concilia Tom. 2 p. 328. Johan. Balæus Scriptor. Brit. Cent. 4. c 64.

The King suspecting the Archbishops and Bishops loyalty and proceedings in this their Council, (summoned as it seems without his Royal Writ, by the Archbishops authority)

authority) ſent this memorable Writ to them, ſtrictly commanding them upon their Oaths of Fealty they had all taken, to be faithfull to him, and defend his Crown and Regal dignity in all things to their power; to obſerve this their Oath therein with all diligence; and not to act, agitate, or aſſent to any thing againſt him, or the antient Rights of the Crown, enjoyed by his Progenitors, under pain of loſing all their Temporalties. *An.* 9 *E.* 1.

REX Venerabilibus in Chriſto Patribus *J.* eadem gratia *Cantuarienſi* Archiepiſcopo, totius *Angliæ* Primati, et omnibus Epiſcopis et aliis Prælatis in inſtanti Concilio de Lambeth conventuris, ſalutem. Vinculo Juramenti nobis eſtis (ut noſtis) aſtricti, quo nobis in omnibus ad Coronam et Dignitatem noſtram ſpectantibus, omnem quam poteritis fidelitatem obſervare debetis. Quapropter vobis mandamus in fide et fidelitate quibus nobis tenemini firmiter inſtantes, quod ad defenſionem et conſervationem Jurium noſtrorum et Regni noſtri, omnem quam poteritis diligentiam adhibere curetis; et ſub vinculo Juramenti memorati, et pœna amiſſionis Temporalium quæ de nobis tenetis, vobis omnibus et ſingulis firmiter inhibemus, ne in præjudicium noſtri, vel ejuſdem Regni in Concilio nunc apud Lambeth convocato, nec etiam contra nos, vel jura noſtra, quibus prædeceſſores noſtri Reges Angliæ et nos ex antiqua et approbata conſuetudine uſi ſumus, procurare vel attemptare aliqua præſumatis, aut etiam alicui hujuſmodi procurare ſeu ſtatuere volenti, aſſenſum præbeatis, ſic ergo vos habeatis in hac parte, quod vos debeamus potius ſpecialiter commendare, quam de contrariis, quod abſit, increpare. Teſte Rege apud *Lyndhurſt* 18 die *Septembris*. Pat. 9 E. 1. m. 6. intus. De Inhibitione ne Epiſcopi & alii Prælati, &c. aliquid ſtatuant in præjudicium Regis, &c.

How far this Papal perfidious Archbiſhop and his Suffragans, were from obeying this Royal mandate, according to their Oaths and bounden duties, will moſt evidently appear by the Prologue to their Canons and Conſtitutions made therein, wherein they highly extoll that Arch-traytor *Thomas Becket*, as a moſt glorious Martyr, for oppoſing the antient Rights of the Crown and Kingdom, as inconſiſtent with the Churches pretended Liberties; and revived, confirmed the Conſtitutions of Archbiſhop *Boniface* and his Suffragans, (againſt which the * King had ſolemnly appealed to the Pope, as prejudicial to the Rights, Prerogative, Cuſtoms, Liberties of his Crown and Kingdom) by ſeveral Canons made therein, and the Excommunications republiſhed in it; but more eſpecially by the Archbiſhops inſolent Epiſtle to the King, in anſwer to this his Royal Inhibition and Mandate ſent unto them; the moſt of which Conſtitutions I ſhall here preſent you with at large. * See Tom. 1. p. 983, 990, 991.

* Conſtitutiones Fratris *Johannis de Peckham Cantuarienſis* Archiepiſcopi, editæ apud *Lambheth* Anno Domini 1281. & Regni Regis *Edwardi* primi 9. * Johannes de Aton Conſtitutiones Provinciales, f. 126, to 130. Spelmanni Concilia Tom. 2. p. 328, to 341.

AB exordio naſcentis Eccleſiæ Chriſtianæ, ortho'oxi patres, retroactis temporibus, errorum laqueis, morum corruptionibus, adverſitatum moleſtiis, **Conciliorum tractatibus obviarunt:** *In eis ſiquidem ſapientes ſe mutuò exacuunt, & congregati ſancti viri Chriſti Domini ſenſum & conſilium faciliter impetrarunt, qui ſe ſpondet talibus ſui nominis honorem zelantibus medium affuturum. Sanctorum Patrum igitur veſtigiis inhærentes, juriſque authoritate compulſi, ac neceſſitate multiplici Eccleſiæ perurgente, nos Frater* Johannes, *permiſſione divina* Cantuarienſis *Archiepiſcopus, totius* Angliæ *Primas, cupientes præſentibus incommodis obviare, ſperanteſque Chriſti patrocinante gratia, ad hoc nos poſſe proficere, cum Fratrum ac Coepiſcoporum noſtrorum, ac caterorum provinciæ noſtræ Prælatorum aſſiſtentia efficaci, de prudentum virorum conſilio,* **hoc ſacrum Concilium mandavimus convocari**; (by his own authority, without the Kings ſpecial Writ.) *Intendentes previa Spiritus Sancti gratia, opere, & conſilio,* **tranſgreſſores Canonum corrigere**; *quædam etiam olim ſalubriter edita, non tamen ſatis moribus intentium comprobata, recentia ſtabilire; & contra novellas quaſdam tergiverſationes, quas in furno ſulphureo non ceſſat abyſſi puteus exhalare, novis quibuſdam remediis occurrere, ut valemus, in quo obtrectatorum dentes minimè formidamus. Quoniam etſi res divinæ tanquam perfectiſſimæ in certis conſiſtant finibus, humani tamen juris conditionem in infinitum currere cogit neceſſitas manifeſta.*

Con-

An. 9 *E.* 1. Contemptum autem Canônum immane esse piaculum, utriusque docet pagina Testamenti. *Decretis enim Apostolicis, & Conciliorum diffinitionibus obsistentes, a sanctæ matris Ecclesiæ meritis sunt præcisi; utpote quos Rhomphæa Mosaica plectet sententia capitali, & sapientia incarnata illos, qui Ecclesiam non audiunt,* Ethnicis & Publicanis *similes esse decrevit, ac contemptum* * *authoritatis Apostolicæ in contemptum Patris omnium redundare. Quippe quos legum suarum* Petrus *ligat vinculis,* in summi & cœlestis Imperatoris palatio sunt ligati. *E contra tamen quosdam frivole de Christiani nominis titulo gloriantes,* tam Clericos quam Laicos, *quotidianis angustiis experimur* jugum abjicere, et Apostolicos sanctiones arrogantia Diabolica conculcare, illius † glorioſi Martyris Thomæ Patriarchæ nostri immemores, qui se pro hujusmodi juribus defendendis multum opposuit, pro ipsis primum sustinens exilium, et postea passionem. . Lateranensis *igitur Concilii authoritate præmoniti, facimus Canonicas regulas revocari. Et quia* Lugdunense *Concilium ultimo celebratum, eo enormius, quo recentius infringitur; ne quis posset se in temeritate hujusmodi per ignorantiam excusare, ipsum volumus in principio recenseri; non solum ut omnibus innotescat, verum etiam, ut si quid in ipso videatur intolerabile istius regionis consuetudini, quæ in multis ab omnibus aliis est distincta, circa illud temperamentum Apostolicæ clementiæ humiliter imploretur.* Quoniam (*sacro testante Eloquio*) melior est obedientia victima; & quia peccatum ariolandi est repugnare; & quia scelus Idolatriæ nolle acquiescere. *Hanc enim inobedientiam credimus esse causam mutationis utriusque parietis Ecclesiæ* Anglicanæ. *Secundo, Constitutiones* (*sanctæ memoriæ*) *Domini* Ottoboni *eo legi faciemus reverentius, quo ipse in eisdem Statutis suis hoc mandavit fieri hujusmodi per singulos annos ab Archiepiscopis, Episcopis in Synodis suis de verbo ad verbum, postea ad honorem Apostolicum sublimatur. Tertio vero recitari volumus Concilium de* Lamehethi, (summoned against * King *Henry* the 3d. his expresse Writ and Prohibition, who appealed to the Pope against the Antimonarchical Constitutions made therein, as contrary to his Prerogative, Crown, Dignity, the Laws, Customes of the Realm, and peoples Liberties, yet here revived) *quod* (*sanctæ memoriæ*) *prædecessor noster* Bonifacius *cum Fratribus & Coepiscopis sui temporis* notoriè salubriter cavisse; ut circa ipsum, quod dicitur, fuisse appellatione * suspensum, *qualiter prosedi debeat, videatur. Ultimo vero adjicimus* quæ nobis videntur necessario ordinanda.

* The Argument holds not from divine to humane, from Apostolical to Papal or Prelatical authority and Constitutions.

† Note how they extol this Arch-traytor and oppugner of Regal authority.

* See Here Tom 2. p. 890, 891, 983, 990, 991.

* By the Kings appeal against it.

De Sacramento Eucharistiæ.

Altissimus de terra assumpti corporis creavit humani generis medicinam in septem vasculis repositam, quæ sunt septem Ecclesiæ Sacramenta; quæ à plerisque non cum condigna tractari reverentia, nec cum debita diligentia dispensari fide didicimus oculata. In hiis igitur præsens correctio sumat exordium, & præcipuè circa corporis & sanguinis Domini Sacramentum, quod est Sacramentum & Sacramenti sacrificum sanctificans manducantes, & sacrificium oblatione sua universis tam vivis quam defunctis proficiens, [a] *pro quorum suffragiis immolatur. Multos igitur esse numero & paucos merito Domini Sacerdotes quotidianis scandalis experimur; inter quorum damnabiles acidias, hanc plangimus præcipuè, quod ad hoc ipsum Eucharistiæ Sacramentum se irreverentes exhibent supra modum,* quod et erectis linguis conficiunt, contemptibiliter custodiunt, et reponunt, et ipsum tanto tempore negligunt immutatum, donec [b] corrumpantur species continentes, ut salutis author qui infinito amore se in viaticum dedit Ecclesiæ, pro tantæ irreverentiæ injuria offendatur. *In cujus remedium discriminis, statuimus,* ut quilibet Sacerdos, quem canonica necessitas non excusat, conficiat omni Ebdomada saltem semel, & ut in qualibet Ecclesia Parochiali fiat *Tabernaculum* cum clausura decens & honestum, secundu curæ magnitudinem & Ecclesiæ facultates, *in quo ipsum corpus Domini in pyxide pulcherrima & lineis tegumentis,* sed nullatenus in loculo propter confractionis devitandum periculum, collocetur; quod in omni Dominico præcipimus renovari. [c] *In elevatione vero ipsius corporis Domini pulsentur Campanæ in uno latere, ut populares, quibus celebrationi Missarum non vacat quotidiè interesse, ubicunque fuerint, seu in agris, seu in domibus,* flectant genua, *indulgentias concessas à pluribus Episcopis habituri. Sacerdotes autem, in custodia Eucharistiæ negligentes, puniri præcipimus, secundum regulas Concilii generalis,* (*Capitulo statuimus*) *& gravius, si negligentia perseveret. Circa deportationem vero Eucharistiæ ad agros, servetur honestas aliàs & alibi constituta.* [d] *Attendant insuper Sacerdotes, quod cum*

[a] By Popish Priests, but never by Christ or his Apostles.

[b] Therefore not the very body of Christ born of the Virgin Mary, now incorruptible, 1 Cor. 15. 42, 53 54. Rom. 6. 11. Acts 2. 27, 31.

[c] Guil. Lyndewode Provincialis l. 3. De Celebratione Missarum, f. 167, 168.

[d] Guil. Lyndewode Provincialis l. 1 De Summa Trinitate, f. 6, 7.

Com-

Communionem sacram porrigant, simplicibus Paschali tempore vel alio, sollicite eos instruant sub panis specie, simul eis dari corpus et sanguinem Domini, immo Christum integrum vivum et verum, qui totus est in specie Sacramenti. *Doceant etiam eos illud quod ipsis eisdem temporibus in calice* propinatur sacramentum non esse, sed vinum purum eis hauriendum traditum, ut facilius sacrum corpus gluciant quod percepe-runt. *Solis enim celebrantibus sanguinem sub specie vini consecrati sumere in hujusmodi minoribus Ecclesiis est concessum. *Instruant etiam eosdem sumptum ore Sacramentum non nimis dentibus comminuere, sed tritum modicè sorbere perfectè, ne particula aliqua eveniat in dentium interstitiis, vel alibi remaneret. Parochiales insuper Sacerdotes caveant diligenter, ne alicui dent corpus Domini,* nisi prius constet eis ipsum fuisse confessum *testimonio vel judicio fidedigno, & hujusmodi certificationis onus ipsius susceptoris impunimus Sacramento, qui habet ea quæ salutis suæ sunt necessaria procurare. *Nullus ergo sacram Communionem præbeat Parochiano alterius Sacerdotis sine ipsius licentia manifesta, quam ordinationem non intendimus ad peregrinantes extendere; nec necessitatis casui derogare.* Thus did they pervert Christs institution in all particulars by this Constitution.

An. 9 E. 1

* Against Christs expres precept, & his & the Apostles practise, Mat. 26. 27, 28. Mar. 14. 23, 24. Lu. 22. 17, 20. 1 Cor. 10. 16. 21. c. 11. 25. to 30. John 6. 53, to 57.

* Guil. Lyndewode Provincialis l. 3. De Sepulturis, f. 134. b.

De Annalibus celebrandis & Anniversariis.

*Sacerdotes insuper caveant universi, ne * Missarum peculiarium seu familiarium se celebrationi obligent, quo minus valeant Canonico officio commissam sibi Ecclesiam officiare, ut tenentur. Nec præsumat aliquis Annalia celebranda suscipere, nisi pro defuncto celebret quotidie, vel procuret specialiter celebrari. Nullus insuper plura recipiat Annalia celebranda, quam habet socios celebrantes; illo casu excepto, in quo procurans suffragia fieri pro defuncto consentit expresse, defuncti memoriam alibi vel aliis copulari. * Nec credat celebrans se dicendo Missam unam posse satisfacere pro duobus, pro quo utroque promisit specialiter & insolidum celebrare. Licet enim dicat de con. di. v. c. non mediocriter Capitulum, quod licet minus accipitur cum Missa una pro cunctis dicitur, quam si pro uno quolibet ipsorum una diceretur. Loquitur tamen de hiis Missis, quæ anxiato corde dicuntur. Absit enim, ne à quodam Catholico credatur tantum intentione prodesse Missam unam devotè celebratam mille hominibus, pro quibus forsan dicitur, quantum si mille Missæ pro eis devotione consimili canerentur. Licet ipsum Sacrificium, quod est Christus, sit infinitæ virtutis, non tamen in Sacramento vel Sacrificio in suæ immensitatis summa plenitudine operatur; alioquin pro uno mortuo nunquam oporteret nisi unam Missam dicere. Operatur enim in hujusmodi ministeriis distributione certa suæ plenitudinis, quam ipse eisdem lege infallibili alligat illos qui pro Annalibus seu Anniversariis celebrandis stipendia receperunt, nec ex certa malitia seu acidia satisfaciunt, ut tenentur, monemus, ut omissa suppleant, & ad plenum satisfaciant in futurum. Et quandocunque id fecerint, fructus taliter perceptorum pro Annalibus eorum quæ eis talia contulerint erogent pauperibus, aut si utrumque istorum sponte neglexerint,* sicut fraudatores fidelium *ab Ordinariis suis asperè corrigantur.*

* Guil. Lyndewode Provinc. l. 3. De Celebratione Missarum, f. 165.

* A good Argument against Pluralities.

I pretermit the Constitutions *De Baptismo & ejus effectu, De Sacramento Confirmationis, & Ne Quinque Ordines simul conferantur.*

I shall insert that *De Confessione*, worthy observation in sundry respects, discovering the abuses of Popish Confessions, Confessors, absolutions, and the pride of Bishops to advance their Episcopal authority over Priests as well as Laymen.

* *Sacramentum Pœnitentiæ naufragantium remedium singulare, per quorundam insipientiam Sacerdotum debito caret fructu; & qui credit à fluctibus emergere, perniciosius in damnationis pelagum demergitur, dum de facto absolvunt plurimi, quos de jure absolvere nequeunt, vivificantes, ut ait Propheta,* propter pugillum ordei & fragmentum panis, animas quæ non vivunt, *utpote absolventes de facto, excommunicatos de jure,* et præcipuè ab Oxonienſi Concilio propter læsionem seu perturbationem Ecclesiasticæ libertatis, vel propter consimilia scelera in eodem Concilio simili pœna damnata, seu Decimas, seu alia Jura Ecclesiastica detinentes; quibus obsistentes, ut seductoribus animarum et pulvillos consuentibus sub cubitis Reproborum, omnibus Cantuar. Provinciæ Confessoribus, sub nobis et Coepiscopis nostris constitutis, districtius

* Guil. Lyndewode, Provincialis, l. 5. De Pœnitentiis & Remissionibus f. 243, 244.

An. 9 E. 1. districtius inhibemus, ne de cætero audeant manus extendere ad seducendos hujusmodi per Absolutionis signaculum, quod novimus sine satisfactione debita et speciali commissione Archiepiscopi et Episcopi non tenere, dum sunt in suis sceleribus pertinaces. Existimantes nihilominus hujusmodi non tam Confessores, quam fovearum Diaboli Confossores peccare grabissime, cum conbincantur saltem tacite eisdem sceleribus consentire, et scelerosos in sua perfidia confortare; *Unde caveant ipsi ne eodem cum talibus Excommunicationis laqueo involvantur.*

Cum insuper nos dudum pluralitatem beneficiorum sacrilege usurpatam, cohibere volentes, *inhibuerimus sub pœna Excommunicationis, ne quis de facto ad tales in suis furtis & sacrilegiis contumaces manus extenderet absolvendos. Quidam tamen Sacerdotes potius* Belial *quam* Domini, *contrarium facere præsumpserunt*, occidentes animas Christi sanguine redemptas, et enervantes disciplinam Ecclesiasticam. *Istos igitur, quasi vulpes demolientes vineas Domini veraciter reputantes, sub pristina districtione iterato præcipimus, quatenus à talibus absolvendis de cætero abstineant*, et ad renunciandum beneficiis illicite optentis vel retentis sollicite inducant: *Alioquin*, sciant se certissime divinæ maledictionis fulgure feriendos.

* Guil. Lyndewode Provinc. l. 5. De Privilegiis, f. 224.

Sunt præterea nonnulli, qui prætextu quorundam * *privilegiorum generalium* a sede Apostolica optentorum, spreta contra intentionem Apostolicam authoritate Pontificali, ipsorum Pontificum irrequisito beneplacito et assensu, ingerunt se Subditorum eorundem Confessionibus audiendis; *quorum præsumptiones volentes reprimere, ut tenemur*, prohibemus sub pœna Excommunicationis, *ne quis de cætero* absque Episcopi licentia expressa vel probabiliter præsumpta, *Confessiones suorum audiat Subditorum, nisi in audiendis Confessionibus à jurisdictione ordinaria Diocesana & Metropolitica expresso tenore sui privilegii sit exemptus. Et si qui contrarium fecerint, procedatur contra eos*, sicut Privilegiorum temerarios abusores.

De Pœnitentiâ.

* Guil. Lyndewode Provinc. l. 5. f. 244.

* *Præterea cum juxta sacros Canones peccata graviora, ut Incestus, & similia, quæ vulgatissima suo scandalo totam commovent Civitatem, sint solemni pœnitentiâ castiganda*; quorundam tamen negligentia id agente, hujusmodi pœnitentia videtur quasi in oblivionem tradita, et crevisse per consequens audacia hujusmodi horrenda facinora et flagitia perpetrandi. *Quocirca præcipimus, ut hujusmodi pœnitentia solemnis de cætero imponatur secundum sanctiones Canonicas.* Absolutionem tamen ab homicidio voluntario, *tam publico, quam occulto*, solis Episcopis, extra necessitatis articulum reservamus: per quod intendimus refrenare audaciam, et non majorum reverentiæ in aliquo derogare.

De uno Confessore in quolibet Decanatu faciendo.

* Guil. Lyndewode Provinc. l. 5. f. 246.

* *Licet à sanctis Patribus jam pridem fuerit ordinatum, ut in quolibet Decanatu unus sit Rector aut Vicarius, literatura sufficienter illustratus, gratia famaque laudabilis assignatus ad Confessionem Rectorum, Vicariorum aliorumque Sacerdotum, ac Ministrorum Ecclesiæ audiendam, injungendasque pœnitentias, ut sit mare fusile in Templi introitu, juxta Templi typica Sacramenta: Hoc tamen hactenus non fuit Cleri moribus approbatum, non sine multis Dei injuriis in Sacramentorum ministrationibus ac Missarum celebrationibus, quæ execrationes potius dicerentur. Ordinationem igitur prædictam à dissuetudine revocantes, præcipimus, ut ipsa de cætero inviolabiliter observetur. Ex hoc minime intendimus quin possint, si voluerint, ad alios communes Pœnitentiarios, (dum tamen id constet) pro Sacramento Pœnitentiæ convolare.*

De informatione simplicium.

Ignorantia Sacerdotum populum præcipitat in foveam Erroris; & Clericorum stultitia vel ruditas, quæ de fide catholica fidelium instruere jubentur, mentes magis aliquando ad errorem profuit quam ad doctrinam. Quidam etiam cæteri prædicantes non semper loca visitant, quæ magis constat veritatis lumine indigere; testante Prophetâ, Quod parvuli petiebant panem, nec erant qui frangerent; *&* alio clamante, Quia egeni & pauperes quærunt aquas, lingua eorum siti aruit. *In quorum remedium*

um discriminum statuendo præcipimus, ut quilibet Sacerdos plebi præsidens quater in anno, hoc est, semel in qualibet quarta anni die uno solenni vel pluribus, per se vel per alium exponat populo vulgariter, absque cujuslibet subtilitatis textura fantastica 14 *fidei articulos,* 10 *mandata Decalogi* (the 2. whereof against graven Images and their worship is wholly omitted out of their Popish Decalogue, and the last divided into two Commaudements, as it is in most of their Popish Primers, Psalters, Howers, Missals, Breviaries and Catechisms ever since, as inconsistent with their Popish Images, and adoration of them) *duo præcepta Evangelii, sc. geminæ charitatis, & 7 etiam opera misericordiæ, 7 capitalia peccata, cum sua progenie, 7 virtutes principales, & etiam 7 gratiæ Sacramenta. Et ne quis à prædictis per ignorantiam se excusat, quæ tamen omnes Ecclesiæ Ministri scire tenentur, ea perstringimus summaria brevitate:* (there briefly recited in order, where those who please may peruse them.) An. 9 E. 1.

Next followes the Canon, *De Sententiis Excommunicationis publicandis*; in *Johannes de Aton* (the beginning and Title whereof is omitted in *Spelmans* Councils.)

Temporibus eisdem etiam sententiæ publicantur à nostris, & nostrorum prædecessorum temporibus latæ olim. Verbi gratia, excommunicati sunt in Oxonienſi *Concilio*, Ecclesias suo jure privantes, et eorum libertates per maliciam, et contra justitiam infringere vel perturbare etiam contendentes. *Ubi tria genera hominum excommunicationis vinculo innodantur*; auferentes Ecclesiis sua jura, infringentes Ecclesiasticas libertates; *Similiter* perturbantes eadem: *quod non solum intelligimus de generalibus libertatibus universalis Ecclesiæ, verum etiam de spiritualibus & temporalibus*; in quo illos excommunicari intelligimus præcipue qui * literis aut juribus Curiæ laicalis Ecclesiasticarum causarum processum impediunt, quæ ita ad Ecclesiam pertinere noscuntur, quod nullatenus possunt vel consueverunt per seculare judicium terminari. *Quod dicimus, non intendentes prædictas sententias ad illos tantummodo coaptare nec turbationes jurium Ecclesiasticorum alias approbantes*, sed quia hujusmodi Dei et Ecclesiæ inimicos volumus rigore debito castigari. (The same in effect with those Clauses in the Council of *Reding* for which he was *questioned, and thereupon revoked in Parl. yet now contemptuously revived and reenforced. *Ex hujusmodi insuper sententiæ decreto excommunicatos denuntiari præcipimus omnes illos*, qui falso exceptionis titulo Episcopalem et Archiepiscopalem processum impediunt aut subterfugiunt disciplinam: (To which they subjoyned all other Clauses of excommunication in the Councils of *Oxford* and *Reding*, which they ordered to be published 4. times every year, concluding thus.) De hac autem publicatione inquirant Archiepiscopi, et quoties Presbyteros invenerint, prædictam moralem Institutionem seu præmissas Excommunicationis sententias statutis temporibus populo minime prædicasse, totiens eos arguant, et pœna canonica castigando supplere compellant, *quod temere omiserint.*

Lindewode, l. 1. f. 37. De Officio Archidiaconi.

*Nota.

* Here, p. 235, 236.

De Hospitalitate tenenda.

Prætereà, cum sacro testante Eloquio, Pastores sibi greges creditos pascere teneantur; & os bovis triturantis non debeat alligari; *Statuimus*, ut Rectores qui in Ecclesiis suis non faciunt residentiam corporalem, nec habent Vicarios, *per Iconomos suos Hospitalitatis gratiam exhibeant, juxta quod sufficiunt Ecclesiæ facultates; adeò ut saltem Parochianorum pauperum necessitati extremæ subveniatur, ut qui ibidem transeunt & prædicant verbum Dei, necessaria recipiant corpori alimenta; ne Ecclesia ipsorum inopia violentiâ à prædicantibus meritò deserantur.* Dignus est enim Operarius mercede sua, *nec* quisquam tenetur propriis stipendiis militare.

Lindewode, l. f. 97. De Clerico Non-residente.

Prædicatoribus subveniendum est.

I shall subjoyn these ensuing Constitutions, discovering the detestable frauds, forgeries, falsities and abuses commonly practised in that age in Ecclesiastical Courts by the Bishops Officers, and others belonging to them; still frequently practised among them notwithstanding these Constitutions, to their infamy.

An. 9 E. 1.

De certificationibus Citationum faciendis.

Quidam ruralium Decanorum in Citationibus faciendis contra omnem juris ordinem, de Luciferana versutia merito diffamantur. Qui videlicet Certificationem subdolam, et venant pro præmiis filiis falsitatis, nulla Citatione ad notitiam citati ante Certificationem hujusmodi vel post eam aliquatenus veniente: *Unde frequenter evenit*, ut innocentes condemnentur. *In cujus nequitiæ remedium, statuimus, quod nulli tradatur vel concedatur Certificatorium, nisi in die solemnali, inter Missarum solemnia in Ecclesia ubi citatus fovet larem, vel amplius conversatur*, publice recitetur; *hoc adjuncto moderamine*, ut citatus sufficientes habeat inducias, ut die et loco sibi præfixis competenter valeat comparere, *quem si aliquo casu tantum arcet quod dilationi locus non pateat, citatione facta publicè coram testibus detur Certificatorium in Ecclesia vel in aliquo loco publico coram testibus fidedignis*, ita quod dies Citationis, et locus in ipso Certificatorio exprimantur, et nullo modo fiat Certificatio ante Citationem factam, quod jurent fideliter Decani in Episcopali Synodo hoc omni anno facturos.

Citato sufficientes dari debet induciæ.

De falsis Procuratoriis non signandis.

* *Perhorrendam quorundam malitiam perpendimus accidisse pro aliquo possessore Ecclesiastici Beneficii in remotis agente, aliquis dolosus ipsius adversarius domum ejus vel rem aliam contra inhibitionem Domini concupiscens, spiritu Sathanico se in lucis Angelum configurans*, fingit mendaciter prædictum absentem vocari coram judicibus; et se ipsius Procuratorem existere, et vocari procurat absentem ad causam ipsius in judicio defendendam, prætendens falsum Procuratorium alicui Decano vel superiori supplicat in hæc verba. Quia sigillum meum paucis est cognitum, peto ut sigillum vestræ Authoritatis huic meo Procuratorio apponatis: Et sic, data mercede, iniquitatis, obtinet quod requisierat. *Demum vero obtento falso Procuratorio, cum altero*, se ipsius fingente mendaciter adversarium, litem ingreditur; et in hac fraude procedens possessionem tandem nanciscitur per sententiam; vero Domino (*cujus status de facto sic subvertitur*) penitus hoc ignorante. *Volentes igitur* tam detestandis fraudibus obviare; *Inhibemus, ut nullus Decanus, seu Archidiaconus, vel ejus Officialis; seu etiam Officialis Episcopi sigillum suum alicui Procuratorio apponere præsumat, nisi hoc ab eo petatur publicè in judicio vel extra judicium, si is, qui Procuratorem constituit, (quem constat verum Dominum esse) præsens corporaliter, hoc requirat; ut fraus qualibet excludatur. Quicunque vero Decanus, Archidiaconus, vel ejus Officialis, vel etiam Officialis Episcopi ex certa malitia contrarium fecerit*, suspendatur per triennium ab officio advocandi, et inhabilis sit ad officium Ecclesiasticum obtinendum. *Quod si uxoratus aut bigamus sit*, Excommunicationi subjaceat ipso facto; *& id quod per talem Procuratorem actum fuerit vel procuratum modis omnibus pro infecto penitus reputetur. Procurator autem ipse totius falsitatis inventor*, ab omni actu legitimo perpetuo repellatur. *Et hi omnes nihilominus, si super hoc convinci valeant, parti læsæ ad interesse & restituenda damna omnia teneantur.*

* Lindewode l. 1. f. 56. De Procuratoribus.

Ne fiant clandestinæ Inquisitiones pro Præsentatis.

Per Provinciam nostram frequenter perpendimus, justos Ecclesiasticorum beneficiorum possessores suis beneficiis fraude diabolica spoliari; dum nonnulli Infernalis Regis satellitibus aggravati, qui ipsorum beneficia oculos ambitionis infigunt, procurant se per Patronos ad eadem præsentari; et impetrantes clandestinas Inquisitiones fieri per Decanos vel alios, possessionem nanciscuntur. *Unde contingit de petitore perfido fieri possessorem; & de possessore vero fieri actorem*, omni justitia reclamante. *Nos autem cupientes* a nostra Provincia nequitiam funditus extirpare; *Statuimus & perpetuo ordinamus, ut nullus Decanus, sive quivis Prælatus, alius* (exceptis personis Episcoporum, quorum hac ordinatione authoritas non arctatur) *Inquisitiones faciat de hujusmodi præsentationis negotio, nisi in plena loci capitula, eo qui possessioni Ecclesiæ incumbit, vocato legitimè; sub tanto temporis spatio, quo possit sibi prudentium virorum consilio providere, & defensioni status sui sufficienti remedio*

remedio providere. Quicquid autem de cætero contra hanc Ordinationem nostram fuerit attentatum, decernimus penitus non tenere; ad satisfaciendum nihilominus de damno omnimodo, quod idem Possessor passus fuerit, Decanum vel Prælatum alium taliter clandestinè inquirentem, præsentis sanctione Concilii condemnantes; ambitiosum ipsum ab ipso beneficio sic nequiter ambito excludentes perpetuo: & nihilominus eundem ab omni obtentu Ecclesiastici alterius beneficii per triennium sustendentes. An. 9 E. 1.

De firmis non dandis.

Vendentes & ementes quos de Templo Domini cœpit ejicere, si cœpta pœnitus perficisset, non fraudarentur pauperes firmarum contractibus, quibus vertitur in Mammonam quod ex Christi visceribus infundendum. Huic igitur pesti remedium apponentes, præcipimus firmiter observari, quod circa firmas in Oxon. *Concilio salubriter est provisum*; ut *videlicet* Ecclesiæ ad firmam minimè tradantur. * *Statuimus insuper, ut nulli tradantur ad firmam, nisi personis Ecclesiasticis sanctis & honestis, quas locorum Episcopi libere valeant cohercere. Provisò etiam, ut Parochiæ pauperibus de firmis hujusmodi pinguibus, portio juri consona secundum arbitrium Episcopi assignetur, sub testimoniis quatuor fidelium Parochianorum eis fideliter eroganda. Et ut ab hujusmodi firmis omnis contractus imaginarius subducatur, quam in personis Clericorum falsò suppositis vel sub nomine Ballivatus* **Ecclesiæ ad firmam laicis conceduntur**, *sacro approbante Concilio: Ordinamus, ut si quis Clericus in tali versutia repertus fuerit, puniatur secundum statutum (sanctæ memoriæ) Domini* Othoboni; * *& gravius, si Prælati viderint expedire.*

* Lindewode l. 3. f. 112. De Lorato & Conducto.

De Religiosis non eximendis à Capitulis tenendis.

* *Plures invenimus Domos Religiosas Sancti* Benedicti *Ordinis, quæ pro eo, quod olim quibusdam Matricibus Ecclesiis ultramarinis adhæserant, à quibus ferme jam diuturno tempore separatæ noscuntur à cæteris ejusdem Ordinis Domibus, in* Cantuariensi *Provincia constitutis, non conveniunt cum cæteris in Capitulo generali singulis terminis, juxta generale Concilium celebrandis; sed quia turpis est pars quæ non convenit suo toto, statuimus*, ut omnes hujusmodi de cætero Domus (salva scilicet ceremoniarum suarum observantiâ:) *Specialiter moneantur per locorum Episcopos, ut conveniant cum aliis Canonicis in Capitulo suo generali de regimine & reformatione Ordinis sui tractaturi; vel si inter eos quantum ad substantialia Religionis sit notabilis diversitas, sibi ipsis seperatim constituant Capitulum generale, alioquin hoc facere per censuram Ecclesiasticam compellantur.*

* Lindewode l. 3. f. 154 De Religiosis Domibus.

The next Canons evidence, the uncleanneſſe, Apoſtacy, raviſhments and Vices of their Nuns, Monks and Prieſts, notwithſtanding all former Canons to prevent them.

De Sanctimonialibus non violandis.

* *Tantum invaluit detestandæ lubricitatis enormitas, ut quidam nec Legibus, nec Canonibus deferentes*, ad castitatem Sanctimonialium concitandam edttis, cum ipſis Sacrilegium et Inceſtum committere non formidant; (ſuch was the fruits of their cloyſtered vowed chaſtity.) *(ui horrendo flagitio remedium apponere cupientes*, omnes tam Clericos quam Laicos, hujuſmodi turpitudinis perpetratores, maſoris Excommunicationis ſententia innodamus; ſolis perſonis Epiſcoporum hujuſmodi abſolutionem ſententiæ reſervantes; exempto mortis articulo, in quo ſic valeant abſolvi a quolibet Sacerdote, *ut ſi convaluerint piaculum ſuum hujuſmodi teneantur ſub pœna prædicta Anathematis infra trium menſium ſpacium* propriis Epiſcopis conſiteri; aut ſede Epiſcopali vacante, cuſtodi Spiritualitatis, aut Decano Eccleſiæ Cathedralis. * Sanctimoniales plurimæ in vagationis vitio delicate, nec divino vacantes officio, in conſimile corruptionis ſcandalum, immo longe pernicioſius aſſidue prolabuntur. *Cui periculo providentes, magis optantes earum ſaluti conſulere quam vanis earundem deſideriis complacere*, ſub pœna Excommunicationis totaliter inhibemus, ne quæ illorum cum ſocia, nedum ſola apud parentes vel affines quantumcunque propinquos, nedum apud extraneos quantumcunque famæ eminentiæ vel religionis exiſtant, ultra tres dies naturales cauſa recreationis perendinarie;

* Lindewode l. 3. f. 232. De Pœnis.

* Lindewode l. 3. f. 153. De Religioſis Domibus.

An. 9 E. 1. dinarie, seu quacunque necessitate vel occasione cessante infirmitate commorari præsumant, nisi locorum Episcopis aliud aliquotiens videatur ex causa necessaria; *de quo earum conscientias in extremo judicio oneramus. Hanc autem ordinationem ad illas non extendimus, quæ exterius coguntur vendicare sibi necessaria dum mendicant.*

* Lindewode l. 3. f. 146 De Regularibus, &c. * *Item Moniales quædam in tantum decipiunt, ut cum sint ætatis legitimæ & doli capaces, postquam ultra annum inter Monia'es Monastice vixerint, putantes se non esse professas, ac sibi licere redire ad seculum;* pro eo quod benedictionem Episcopalem cum solemnitate voti immisit minime receperunt. *Nos vero errorem hujusmodi excludentes, præsentis authoritate Concilii declaramus, eas ipso facto professas existere reputandas, postquam ultra annum vitam sponte in Collegio duxerint regularem, adeo ut nullatenus ad seculum redire permittantur; nihilominus ab Episcopis cum solemnitate debita consecrandas suo tempore vel velandas. Item etiam quantum ad professionis vinculum sentimus, de Monachis & Religiosis aliis quibuscunque quibus nihil obstitit canonicum, &. eos si ultra annum religionis habitum sponte detulerint, & ipso rejecto, ad seculum redierint,* esse sicut Apostatas ab Ecclesiasticis beneficiis repellendos, et ad repetenda sua Monasteria secundum juris exigentiam compellendos. De quibus diligens inquisitio fiat per Archidiaconum, quoniam multos hujusmodi sub ovino velere lupinum animum novimus palliare.

De Apostatis revocandis.

* Lindewode l. 5. f. 220. De Apostatis. * *Præterea,* sunt nonnulli, *qui apparent per facti evidentiam seculum perpetuò intendere,* relinquere *per certa indicia* in Claustri cryptis toto suo tempore Deo militare; qui tamen prævalente corporali (alias carnali) desiderio, ut canes qui redeunt ad vomitum, seculum repetunt, inter Spectra errantia computandi. Quamvis enim jura manifeste definiant, hujusmodi non posse religionis habitum omnino deserere, *quin saltem in Religione aliqua laxiori perpetuò remaneant;* quidam tamen attritæ frontis audacia Apostatiæ infamiam non verentes, *postquam absolutè se velle seculum relinquere ostenderunt,* relicta Hierosolyma redeunt in Ægyptum. *Quocirca statuimus, ut Ordinarii locorum tales cum omni diligentia investigent;* et subtractione tam Officii quam Beneficii Ecclesiastici (*si quod habuerint*) ad statum pristinum vel lariorem cogant regulam pertransire. *Quod si sint Laici hujusmodi* Apostatæ, *& ipsi ad salutis suæ studia redire,* per censuram Ecclesiasticam compellantur. *Hanc autem Ordinationem ad illos non extendimus,* cum quibus Sedes Apostolica aliter ordinavit. Which would and did unorder, and disorder all Orders, for money and filthy lucre.

De Religiosis ne sint Testamentorum Executores.

* Lindewode l. 3. f. 122. De Testamentis. * Religiosa syncericas ab omni seculari implicationis macula est eo præservanda solicitius, quo devotioni sanctæ simplicitas facilius retardatur; cum in curis exterinsecis mentis oculus districtus unitatis studio perpenditur. *Quocirca* (which reason holds as strongly, that Bishops and Ordinaries should likewise not intermeddle with the ordering or disposing of secular mens Testaments, Goods, Chattels, dying testate or intestate, as they do) *in Concilio de* Lamberh *salubriter est provisum,*

Religiosi an possint esse Executores Testamentorum. ne aliqui Religiosi, cujuscunque professionis, sint Executores Testamentorum, nisi de Ordinarii licentia et voluntate procedat; *cui Statuto adjiciendum duximus,* Ut nullus Religiosus permittatur Executor alicujus existere Testamenti, nisi suus superior sufficienter caveat pro Religioso hujusmodi, quod exequetur fideliter, et reddet integram rationem de rebus (*si quæ fuerint*) et de damnis, si quæ per ipsum evenerint loci Ordinario, absque difficultate qualibet respensurus. *Et quia nonnulli Religionis habitum deferentes, licet non sint* Executores, tamen et distributores efficiuntur Bonorum defuncti, temeritate propria vel imprudentia aliena; ex quo magnam pervenire vidimus Bonorum hujusmodi læsionem; idem contra hujusmodi distributionem præcipimus observari, quod contra executionem superius est provisum; ne aliter executioni vel distributioni hujusmodi se immisceant, sub pœna Anathematis inhibentes. *Unde qui sufficienter cavere nequeunt, sciant se tam ab executione* quam a distributione Bonorum, *hujus præsentis definitione Concilii perpetuò elongatos.*

De

An. 9 E. I.

De Habitu Clericali.

* *Quamvis Religionis nomen vitæ Monasticæ loquentium usus appropriet; habet tamen Clericalis honestas religiosæ vitæ gradum eximium; si ea custodiat vita & habitu,* quæ sacri Canones decreverunt observanda Clericis. Sed (proh dolor) Clerici plurimi hujus luclytæ Religionis, Judorum antiquam insanam imitantes, *qui* Græcas *glorias paternis prætulerunt*, dum verecundantur Clerici apparere, militari se contegunt apparatu, ut stultis placeant; quos constet cunctis sapientibus eo ipso merito displicere, ac fatuos reputari. *Et cum corona sit character Ecclesiasticæ militiæ, & revelati cordis ac patuli radiis cœlestibus insigne; ipsi ut veraciter ostendant se hujusmodi charactere titulum erubescere, tenâ coronas abscondunt, quasi cœlestes radios repellentes, ad* Judæorum *instar corda sua gerentes erroris velamine obscurata. Statuto adhærentes Domini* Ottoboni, *nihilominus ordinamus & districtè præcipimus*, ut Clericus quilibet in sacris Ordinibus constitutus, vestem exteriorem gerat dissimilem militari, utpote anterius & posterius habeat non birratam, vel saltem ex forma sua militari vel laicali congrua dissimilem honestate. *Et qui secus facere præsumpserit, quamdiu formæ contrariæ vestem tulerit*, ab ingressu Ecclesiæ suspendatur. *Et quia prædictus Legatus contra portantes infulas ac tenas coram Prælatis, aut coram populo publicè deferentes, statuit*, ut si moniti minime se emendaverint, ipso facto suspensionem incurrant ab Officio; in qua si per tres menses extiterint, extunc à Beneficio sint suspensi; à qua suspensione absolvi nequeant, nisi data tertia parte Ecclesiasticorum bonorum per manus Episcoporum pauperibus eroganda; Nihilominus pœnis aliis puniendi juxta arbitrium Prælatorum. *Nos igitur Statutum hujusmodi advertentes modicæ efficaciæ hactenus extitisse, pro eo,* quod Prælati minores hujusmodi Clericos monstrosos monere non audent; *propter quod in pœnas à dicto Legato constitutas videntur pusillanimitatis suæ merito incidisse, & raro Episcoporum aspectibus Clerici hujusmodi se præsentant; Statuimus, ut, admonitione cessante, cum Clericos juris ignorantia non excuset, prædicti Clerici sua protervia merito quotiescunque publicè coram populo vel Prælato hujusmodi infulas portaverint, nisi forsan in itinere, in pœnas omnes incidant supradictas. Caveant insuper omnes illi, de quibus loquitur Legatus, qui moniti infularum insolentiam publicè detulerant per prætaxati temporis spatium, ne in suspensione ab officio & beneficio merito culpæ suæ inciderint. Mandamus etiam in posterum, ut de talibus fiat per Decanatus singulos inquisitio specialis, & cujuscunque gradus sint vel excellentiæ, contra ipsos in forma Canonica procedatur.*

* Lindewode l. 3. f. 88. De vita & honestate Clericorum.

De Filiis Presbiterorum.

* *Cum à jure sit prohibitum,* ne absque dispensatione Apostolica (who gained a Monopoly of, and great sums of money by such Dispensations) præficiantur filii Rectorum vel Presbyterorum in Ecclesiis, in quibus parentes eorum immediate seu primo ministraverunt, et constet ipsa Beneficia vacare, sed in contrarium de facto fuerit attentatum: *Præcipimus, ut Prælati de Ecclesiis sic vacantibus inquirant, & juxta juris exigentiam de his non differant ordinare, cautius prætaventes de cætero, ut tales ad hujusmodi Beneficia nullo modo admittant;* ne contra justitiam in hæreditate Crucifixi per surreptionem locus pateat successioni. By which it appears, that Priests in that age had either Sons or Bastards, which succeeded them in their Benefices, notwithstanding all Canons against Priests marriage, and Incontinency.

* Lindewode l. 1. f. 33. De Filiis Presbiterorum.

De Institutionibus.

Ex solito cursu causarum multis recepimus conquentibus, quod nonnulli Coepiscopi nostri *Clericos præsentatos ad vacantes Ecclesias admittentes, literas testimoniales eis recusant impendere facti sui, propter quod suborta inter hujusmodi præsentatos & alios materia quæstionis,* succumbit plerumque veritas falsitati. *Nos autem Ecclesiasticis regulis adhærentes, quæ fidem gestorum ex legalibus colligunt ministris; Statuimus, ut unusquisque Episcopus Clerico quem ad Ecclesiam aliquam admittit, literas patentes super sua admissione concedat, inter alia continentes in quo consistit ordine, quo articulo ad hujusmodi Beneficium admittatur.*

An. 9 *E.* 1. The Constitution made against Pluralities in this Council (against which this Archbishop was very zealous) is very observable; worthy all Pluralists and their Dispensers, or abettors consideration.

De Clericis Beneficia plura occupantibus.

Languor prolixior gravat Medicum; nec facilitèr ebellitur plantatio infernalis quæ innumeris perditionis filiis est infixa; nec alicui mortalium hactenus legitur fuisse concessum, simul totam convertere multitudinem impiorum, sacra pagina attestante, Deus (*inquit*) consumet nationes has in conspectu tuo paulatim atque per partes. Sane Ecclesia Anglicana a membris *putredinis, a falsis Clericis ab olim * sustinuit plagas diras; qui pompæ et avaritiæ æstibus inflammati, beneficia cum cura absque dispensatione Apostolica, ac contra Canones acervantes, non veriti sunt hactenus animas perdere acquisitas sanguine Redemptoris; nec erubuerunt fures existere, et vitam infamem agere tandiu, donec horrenda morte (ut in multis vidimus) divinæ severitatis percussi fulmine, de medio sunt sublati: quam plagam paulatim, atque per partes sanare cupientes, hujusmodi multiplicationes salubriter præcipiendo inhibuimus, circa adventus nostri principium, sub certi formæ rigoris, ne quis auderet extunc hujusmodi Pluralitate se involvere ullo modo. Præteritam etiam pluralitatem minis salubribus deterrentes, quas minas intendimus (Deo authore) ad effectum mancipare; ut sic juxta sacra eloquia radicatam nequitiam valeamus paulatim funditus extirpare; paulatim quidem, dicente Scriptura, non poteras eas delere pariter, ne forte multiplicarentur contra te bestiæ terræ. Hujus autem processus nostri conatibus boni fructus exordium contulit pietas Redemptoris, dum saltem prohibita est prisca effrænatio beneficia hujusmodi sine scrupulo admittendi. Quibusdam etiam dedit Deus compunctionis spiritum, ut damnatæ pluralitatis suæ magnam partem abscinderint, quibusdam etiam insuper, ut superfluitatem suam nostræ submiserunt discretionis arbitrio moderandam; qua submissione noverint universi hujus excessus non purgari vitium, cum non possumus cum ipsis in talibus dispensare, sed purgationem ipsius quodammodo quamvis tenuerit inchoare. Cæteros autem omnes et singulos hujusmodi pluralitatem damnabiliter occupantes, et in suæ adhuc persistentes arrogantiæ supercilio, monemus primo, secundo, et tertio, quod, *cum parata sit eos absorbere (nisi citius pœnitentiam egerint) horago infernalis, mola asinaria deprimente, ulteriori deliberationi nulla poterit concedi dilatio, quatinus hujusmodi Beneficia, libere et absolute, infra sex mensium spacium, in Episcoporum suorum manibus omnino resignent: satisfacientes nihilominus, ut eorum status patitur, Ecclesiis sic fraudatis, nunquam per se vel per alias, clam vel palam, verè vel imaginariè, aliquid de hujusmodi Ecclesiarum fructibus illicite recepturi. Salvo nobis jure de illis Beneficiis ordinandi, quorum collatio est ad nos per lapsum temporis devoluta. Alioquin extunc contra ipsos (favente Altissimo) in forma Canonica procedemus. Interim etiam hac monitione nec nobis nec fratribus ac Coepiscopis nostris præjudicare intendimus, quin contra hujusmodi ordinario progressu particulariter procedatur.

*Nota.

*Nota.

De Advocatis.

Veloces ad audiendum existere & tardos ad loquendum, sanctus Jacobus *imperat, & à juventute usque ad maturitatis annos edoctum docet cæteris præstare Ducatum. In Schola siquidem* Pithagoræ *quinquennale tenebant auditores silentium, prinsquam de illa gentium sapientia dicere sinerentur. Cujus prudentiæ disciplinam plurimi Advocatorum hujus temporis non sectantur, quin potius post unum librum juris vix auditum vel dimidium, arrogant sibi Officium in Causis Ecclesiasticis publicè postulandi; * & quia veritatem juris ignorant,* ad fraudes horribiles impeditivas processus judiciales tantummodo se convertunt. Cui pesti *remedium apponere cupientes, statuimus, ut nullus de cætero permittatur advocationis officium publice exercere, nisi prius ad minus per triennium audiverit cum debita diligentia* Jus Canonicum et Jus Civile, *hujus autem fidem ubi nec de condigno apparet testimonio, nec per facti evidentiam,* propio faciat Juramento.

* Lindewode, l. 1. f. 55. De Postulando.

De

An. 9 *E.* 1.

De Suffragiis Episcoporum.

Ingratitudinis vitium est plurimùm detestandum, et subditorum, præcipue ad Prælatos, qui sollicite perbigilant, tanquam rationem reddituri pro sibi creditis animabus. *Quocirca statuimus*, ut Archiepiscopo bel Episcopo decedente, quilibet Sacerdos tam religiosus quam secularis qui defuncto subditus extiterat, pro ipso Missam unam dicere teneatur. Fratres etiam et Coepiscopi omnes in Congregatione sua sequenti proxima simul faciant solenne officium pro defuncto; singuli nichilominus in Capellis suis condigna suffragia exhibentes, sicut desiderant sibi in casu consimili exhiberi. *Acta sunt hæc in Concilio de* Lambeth, *à* Pecham *celebrata, & recitata in ultimo actione dicti Concilii, die Veneris sexto Idus* Octobris, E. *litera Dominicali currente, Anno Domini* 1281. *Indictione nona, Pontific. Domini* Martini *Papæ quarto. Anno regni illustris Regis* Edwardi Angliæ *nono*; *& Consecrationis nostræ tertio.*

Matthew Westminster renders us this account of the Archbishops suspensions and sequestrations in this Council against the exempt Abbots and others, who refused to appear in person in, or send Proctors to it upon the Archbishops summons, and of their Appeals against his Suspensions to the Pope; [a] *Anno gratiæ* 1281. *post festum Sancti* Michaelis, *frater* Johannes de Pecham *Archiepiscopus* Cantuar. *apud* Lambethe Provinciale Concilium celebrabit, *qui contra exemptos*, ibidem benire nolentes, *libellum famosum edidit sub hac forma.* Frater *Johannes* permissione divina *Cantuar.* Archiepiscopus, totius *Angliæ* Primas, venerabili fratri Domino *Richardo de Gravesend Londinen.* Episcopo, salutem & sinceram in Domino Charitatem. Celebraturi nuper, ut scitis, apud *Lambethe* Provinciale Concilium, cum Coepiscoporum nostrorum venerando collegio, universos nostræ Provinciæ Prælatos inferiores, quos Conciliorum tractatibus interesse jubent sancti Canones, vocandos decrevimus, ac inter cæteros Religiosæ sanctimoniæ personas præcipuas, Abbates scilicet et Priores, non solum Episcopi gradui subjectos, juxta ordinem Ecclesiasticæ Hierarchiæ, verum etiam alios, ab Episcopali obedientia exemptos, ratione saltem Ecclesiarum non exemptarum, quas in proprios usus, permittente Domino, detinent occupatas, sperantes nos solius Dei honori, ac communi Ecclesiæ *Anglicanæ* commodis servientes, eorum juvandos potentia, dirigendos consiliis, & sanctitatis suæ meritis promovendos. Exempti vero, tanquam pullos Onagri, liberos se putantes, minime bel modice condolentes suæ sanctæ matris angustiis, cujus viscera multi ex eis plus onerant quam honorant, quasi per effectum bel defectum berius, de se dictum illud *Johannis* Propheticum in Apocalypsi allegarunt: *Atrium, quod extra Templum est, ejice foras, & ne metiaris illud*, nec patiaris parturientium cervarum audire rugitus, nec ad ipsum Concilium in anxietate, matris consilium et solatium, benire dignati sunt, utpote filii alieni a semitis claudicantes, quin potius ne in aliquo detumesceret eorum nimia elatio, nec procuratores ad suæ excusationem absentiæ mittere curaberunt, tam reverendum Collegium contemnentes, *Agar* ex parte similes, quæ illustrem desperit Dominam, videns se dibisionis filium concepisse, sic agonizante olim Dei militia, et se laudabiliter periculis exponente divisi a prælantibus *Rubenitæ*, inter terminos proprios quieverunt, gregum sibilis delectati. Nos autem, tam ingratæ præsumptionis audaciam, secundum juris regulas corrigere cupientes, scientes, juxta Salvatoris sententiam, *Contra nos esse, qui nobiscum esse despiciunt*, severitati tamen plurimum detrahentes, quam possemus in contemptores hujusmodi, si bellemus, canonice exercere, in birtute obedientiæ qua sedi *Cantur.* tenemini, firmiter injungendo mandamus, quatenus omnes Ecclesias non exemptas in Dioces, exemptis Monasteriis appropriatas, quorum nomina sub sigillo nostro præsentibus sunt appensa, cujuscunque ordinis existant, auctoritate nostra sine mora dispendio sequestrantes, eas faciatis sub arcto sequestro nibilominus custodiri, donec super hoc aliud receperitis in mandatis. Non exemptos quidem, quorum nomina in scedula annexa præsentibus continentur, quos nos propter eorum contumaciam ab ingressu Ecclesiæ suspendimus, justitia exigente, sic suspensos faciatis publice denunciari. Ab hac sententia per Dominos Abbates de *Westm.* de *Sancto Eadmundo*, de *Sancto Albano*, & de *Waltham*, fuerat principaliter

[a] Mat. Westm. p 368. Anno Domini 1281.

An. 9 *E.* 1. liter appellatum. Alii etiam appellaverunt exempti, suam appellationem tepide prosequentes, pro eo quod Archiepiscopus dissimulavit, quoad quosdam, executioni suam sententiam demandare.

b Antiq. Eccl. Brit. p. 198, 199.

What the issue of this appeal was, [b] *Mat. Parkers* informs us; *In eodem Concilio exemptos quos vocant*, qui Metropolitani jurisdictione continere, ejusque jussu ad Concilium accedere recusarunt, (which they would not have done, if summoned to it by the Kings Writ or Mandate) Excommunicationis atque suspensionis pœnis affixit. *Inter hos* Westmonasterii, S. Albani, S. Edmundi, & Waltami *Cœnobiorum Abbates tanquam reliquorum duces*, provocabant ad Papam; *quibus magnus per* Cant. *provinciam exemptarum numerus adjunctus adhæsit.* Sed cum Cantuariensis Archiepiscopi vim ac potentiam sustinere non poterant, appellatione deserta, in ejus potestatem et misericordiam sese committebant. *Concluso autem & dimisso illo Concilio* provinciam totam visitando perlustravit, *magis ut de singulis Ecclesiis totiusq; Provinciæ statu certior fieret, quam ut severitate & Ecclesiastica disciplina uteretur. Cujus lenitatis atque moderationis causæ perhibentur, quod primo ingressu provincialium suorum benevolentiam captavit, ideoque durius adhuc cum eis agere noluit:* or rather to avoid opposition and appeals against his visitation.

* Scriptorum Brit. Cent. 4. c. 64. Appendix, p. 350.

The King and his Counsil being highly offended with the Archbishop and his Suffragans for sundry of their Canons, Excommunications, and proceedings in this Council, against the tenor of his premised Writ, and Proctors appeals: Archbishop *Peckam* (magnus et robustus Antichristi Satelles, as * *John Bale* not improperly stiles him) writ and sent this most insolent, undutifull Epistle to him and his Counsil, to justifie what they had done; wherein he advanceth the Ecclesiastical and Papal Jurisdiction, Power, Canons, Laws, far above the Regal, to which all Emperors, Kings, and Temporal Lawes ought to submit; whose fallacies and mistakes therein I shall observe, and answer, as they occurre in his Epistle.

a Spelmanni Concil. Tom. p 341, 342. Ex vet. cod. M. S. in Registro principali D. Archiep. Cant. [nuncupato Peckham] fol. 97. a. Anno Domini 1281 9 E 1.
b 1 Pet 2. 17.
c Acts 5. 29.
d Isay 10. 1.
e Mat. 22. 11. 1 Pet. 2. 13. Rom. 13. 1. to 7. Tit. 3. 1.
f Psal. 45. 11. 13. Mat. 11. 29. 1 Pet 3. 4. c. 5. 5. Tit. 3. 1. Rom. 13. 1, to 7.
g Isay 61. 10.

[a] *EXcellentissimo Principi ac Domino* Edwardo, *Dei Gratia illustri Regi* Angliæ, *Domino* Hiberniæ, *& Duci* Aquitaniæ, *ac ejus Consiliariis literatis, Frater* Johannes *permissione divina* Cantuariensis *Ecclesiæ Minister humilis, totius* Angliæ *Primas, cum omni reverentia & honore orationes anxii peccatoris. Antiore Domino præcipimur,* [b] Majestatem Regiam honorare, *& eadem beneficiis innumeris obligamur: Quia tamen oportet* [c] Domino magis quam hominibus obedire, *ad prævaricationem Legum illarum, quæ divina authoritate absque omni dubio subsistunt*, nulla possumus humana constitutione ligari, nec etiam juramento; quoniam quicquid Divinis beneplacitis adversatur (not to Bishops or Popes, the only thing in question) est illicitum et dampnatum; *dicente Domino per Prophetam;* [d] Væ qui condunt leges iniquas: Quia igitur ab antiquo tempore, inter Reges ac Magnates Angliæ *ex parte una*, et Archiepiscopos, et Episcopos ac Clerum ejusdem Regni *ex altera*, durabit amara dissentio, pro oppressione Ecclesiæ, contra Decreta Summorum Pontificum, contra Statuta Conciliorum, contra sanxiones Orthodorum Patrum, (not against Christs, or his Apostles precepts, here totally omitted) in quibus tribus summa auctoritas, summa veritas, summaque sanctitas consistunt, *Supplicamus Regiæ Majestati*, quatenus pro honore Dei, et animæ suæ suorumque salute ac prosperitate stabili successionis suæ ab Imperatore omnium obtinenda, in cujus redundat injuriam Ecclesiæ contra prædicta conculcatio, huic periculosæ regno et pernitiosæ Clero discedit, dignemur finem apponere salutarem, cui finis aliter imponi non potest, nisi Vos Sublimitatem vestram prædictis tribus, scilicet Decretis Pontificum, Statutis Conciliorum, et Sanctionibus Orthodorum Patrum, juxta Domini beneplacitum cum Catholicis Imperatoribus dignemini inclinare. (But not by his or their dutifull submission to the Kings Supreame Authority, Laws, and Customes of the Realm, according to [e] *Christs*, St. *Peters*, and *Pauls* expresse precepts.) Ex his enim tribus sunt Canones eggregati, et jura Coronæ vestræ Christi Coronæ supponenda, (not to Popes or Bishops Miters) cujus sunt Diadema ac sponsæ suæ monilia, universæ Ecclesiasticæ libertates (mistaken they are for true [f] *Christian graces*, whereof *humility*, and *obedience to Christian Magistrates*, are not the meanest, which these proud Prelates quite abandoned) *Ipse per Prophetam dicente,* [g] Quasi sponsum decoratum Coronæ, & tanquam sponsam ornatam

ornatam monilibus ſuis. Decretis autem Summorum Pontificum, auctoritatem dedit omnium Imperator, *dicens* Petro *in Evangelio* Matthæi, [l] Quicquid ligaveris ſuper terram, erit ligatum & in cœlo; ligat ſiquidem Summus Pontifex, (no more than any other ordinary Prieſt) non vinculis corporalibus, ſed ſpiritualibus, ſacris ſaltem legibus, (not with Popes, or Biſhops Canons,) quibus tenentur univerſi homines obedire; *dicente eodem Domino per* Moyſen *in* Deuteronomia, [m] Qui ſuperbierit, nolens obedire Sacerdotis imperio, qui eo tempore miniſtrat Domino Deo ſuo, & decreto Judicis (who was no Prieſt, but the Chief of the *Fathers of Iſrael*, appointed by the King, as *Deut.* 16. 18, 19, 20. 2 *Chron.* 19. 5. *to* 11. reſolve, which quite ſubverts his following inference from it) morietur homo ille; Ab hac autem obedientia non eſt altitudo Regia abſoluta, (*Ergo* Kings are as much ſubject, and ought to be as obedient to their Judges, as to their Prieſts) ſed plus quam cæteri Laici inferiores eidem obnoxia; *unde ſubjungitur conſequenter*, [n] Poſtquam ſederit Rex in Solio regni ſui, deſcribet *Deuteronium* ſibi legis hujus (*not of Popes or Biſhops Lawes, Decrees or Conſtitutions*) in volumine, accipiens exemplar à Sacerdotibus Leviticæ tribus, (not High Prieſt, or Pope) legetque illud omnibus diebus vitæ ſuæ, ut diſcat timere Dominum Deum ſuum, & cuſtodire verba & ceremonias ejus quæ in lege præcepta ſunt, ut longe ipſe regnet, ipſe & filius ejus. Tenetur igitur Rex ipſe ex præcepto legis expreſſo, Summo Pontifici obedire; (not mentioned in the Text, but only the inferiour *Prieſts*, to whom Kings are to obey only in what God and Chriſt have ſpecially commanded in and by their Lawes, not what Popes and Prelates have ſince decreed againſt, or beſide them) quod ſi non fecerit, timere poteſt Rex Legis inſinuatione, ne Regni ſui prolongatio minuatur. *Item Salvator dixit in* Lucæ *Evangelio diſcipulis congregatis*; Qui vos audit, me audit; & qui vos ſpernit, me ſpernit; *Quod exponens dicit beatus* Dionyſius, Ierarchis in hiis quæ agant Ierarchice obediendum eſt, ſicut à Deo motis, Ergo nulla obſtante conſuetudine obediendum eſt Canonicis Ierarchicè impoſitis, hoc eſt ſacris arbitriis Prælatorum. Sed dicet forſitan Eccleſiæ inimicus, quod non pertinet ad Summum Pontificem, juga hujuſmodi Legum vel Canonum imponere Principi ſeculari: cujus nos cum univerſali Eccleſia, et omnibus mundi ſanctis et ſapientibus, ex adverſo contrarium affirmamus; Huic autem diſſidio ſi quæratur qualiter debeat pacis remedium adhiberi; *Docet Dominus in* Deuteronomio *ut ſupra, dicens*; [o] Si difficile et ambiguum apud te Judicium eſſe proſpexeris, & judicum intra portas tuas videris verba variari; ſurge & aſcende ad locum quem elegerit Dominus Deus tuus, venieſque ad Sacerdotes Levitici generis, & ad Judicem qui fuerit illo tempore; quæreſque ab eis qui indicabunt tibi judicii veritatem, & facies quodcunque dixerint, qui præſunt loco quem elegerit Dominus, et docuerint te juxta legem ejus; Ergo ad Summum Pontificem pertinet, omnis controverſiæ terminatio, quæ non poteſt per inferiores Judices quoſcunque terminari. (The Argument holds not from the High Prieſt under the Law, to the Pope alone or Archbiſhop under the Goſpel, not mentioned in the Text, but only the inferiour Prieſts and ſecular Judge, conjoyned with them; Beſides, the High Prieſt under the Law was only a Type of Chriſt, whoſe voice alone we are [p] *enjoyned to hear and obey in all things*, not the Popes or Archbiſhops.) Item quantæ authoritatis ſit Eccleſia, in Concilio, Chriſti nomine congregata, patet ex evangelio Matthæi, *dicente Domino*, [q] Ubi ſunt duo vel tres congregati in meo nomine, (*to wit, in Prayer, not Synods*, and thoſe meer Laicks as well as Prieſts) ibi ego ſum in medio eorum: *Et ibidem*, [r] Si Eccleſiam (never uſed in Scripture for the High Prieſt, Pope, or Prieſts alone, as he ſurmiſeth) non audierit, ſit tibi ſicut Ethnicus & Publicanus. Qui igitur Eccleſiæ non obediunt, in Concilio præcipue congregati, hæretici ſunt cenſendi, (a learned *Non-ſequitur.*) *Item quantæ authoritatis ſit ſanctorum Patrum ſinceriſſima Doctrina patet teſtimonio* Salvatoris *dicentis in Evangelio* Matthæi, [s] Non vos eſtis qui loquimini, ſed ſpiritus patris veſtri qui loquitur in vobis; (meant of the Apoſtles, immediately inſpired by the Holy Ghoſt, not Popes or Prelates, which ſubverts his inference) Idem eſt ergo ſanctorum Patrum diffinitionibus reſiſtere, quod Spiritus ſancti oraculis adverſari. *Hæc attendentes* Imperatores Catholici, (he names none) leges ſuas omnes ſacris Canonibus ſubdiderunt, ne Schiſmatici vel Hæretici puterentur. Cum igitur ad vos, Excellentiſſime Domine Rex pertineat pax inclyta Imperii, et vos

An. 9 *E.* 1.

l Mat. 16. 19.

m Deut. 17. 12.

n Deut. 17. 18, 19, 20.

o Deut. 17. 8, 9, 10, 11.

p Heb. cap. 4. to 11. Mat. 17. 5. c. 18. 20. Act. 3. 22.

q Mat. 18. 19, 20.

r Mat. 18. 17.

s Mat. 10. 20.

An. 9 E. 1. etiam tenemini leges vestras Canonibus subjicere, et contrarias abolere, (he should have proved, as well as barely affirmed it) turpis est pars quæ suo non convenit universo. Constantinus *insuper* Rex Angliæ, et Orbis nihilominus Imperator, universa concessit quæ petimus, et specialiter personas Clericorum, a solis Prælatis Ecclesiæ judicandas esse decrevit. (A forgery I have *elsewhere* refuted, Tom. 1. p. 72, to 87.) *Hoc idem* Wyghredus *Rex* Cantiæ Canones affirmans esse servandas, fieri concessit, *ut patet ex Concilio à* Brighewaldo *Archiepiscopo celebrato, Anno Domini septuagesimo nonagesimo quarto.* (A clear mistake, his Charter in this Council, if genuine, and not forged by the Monks or Archbishops of *Canterbury*, (of which there is just ground of suspition, as I have [a] *elsewhere* observed) did not exempt Clergymen and religious persons from secular Jurisdiction, or subject all Regal or Temporal Lawes to their Canons or Constitutions, but only appropriated the election, approbation, and installment of all Bishops, Abbots, Abbesses, Priors, and other Prelates to the Archbishop.) *Hoc & Rex* Canutus *de personis Ecclesiasticis in suis scriptis legibus diffinivit.* (It is true King *Cnute* after his return from *Rome* to gratifie the Pope and Clergy, out of his special grace, enacted these [b] 2. *Lawes*, which gave our Bishops power to punish their Clerks, who committed *Murder*, or any other capital crimes, and receive their purgations. *Si eorum qui aris deservierint aliquis hominem occiderit, aut aliquid perpetrarit flagitium, gradu & honore dispoliatus* perinde atque ei Papa suus (so he stiles the Bishop in that age) circumscripserit habitandi locum exulato, ac cumulate compensato. *Si se purgare velit, tripliciter hoc faciat. Atque in hanc quæ Deo & hominibus debetur compensationem intra* 30. *aggrediatur dies*, ab omni legis commoditate destitutus habetor. Si quis sacris inauguratus rei capitalis obnoxius extiterit, comprehenditor, atque ut tandem Episcopo criminis admissi pœnas dependat, asservator: Which Lawes of his were the original ground of *delivering Clerks convicted and imprisoned for any Capital crimes, to their Ordinaries, upon demand, to make their purgation*; ratified by [c] King *Edward* the 1. in the Statute of *Westm.* cap. 2. But this New indulged Jurisdiction granted by King *Cnute* to Bishops, did not totally subject himself or his Lawes to the Popes or Bishops Canons, nor yet wholly exempt Clerks from secular Jurisdiction and punishments, to which they were still liable, but only from death; this King in his Lawes expresly resolving; Christiana siquidem fide imbuti Regis est, Deo illatas grabiter (pro facti ratione) ulcisci injurias, who by his Lawes inflicted *imprisonment, banishment, utlawry, confiscation of goods, deposition, degradation, and incapacity of holding any preferments on such offending Clerks.*) *Sanctus etiam* Edwardus *in regnum* Angliæ *sublimandus, prius juravit se leges* Canuti *Regis inviolabiliter servaturum.* Willielmus *etiam Rex*, cui Sanctus Edwardus Regnum contulit, *leges ipsius sancti servandas esse concessit. Qui sanctus inter cætera diffinivit*; (only out of his royal grace, not of meer right or duty) Ut si quis pacem Ecclesiæ infregerit, ab Episcopis sit justitia exercenda, & non à Regis Justitiariis, nisi propter Episcopi impotentiam vel neglectum. *Et plura alia sanctissima sanxivit*, quæ servata honori Domini proficerent, et Regis merito coram Deo. Ecclesiam etiam hujus Insulæ credimus fuisse in possessione libertatum quas petimus, tribus temporibus Regum diversarum linguarum Insulæ supradictæ; tempore scilicet Regum Britanorum, *sicut patet de parte illius Ecclesiæ quæ hactenus mansit in partibus* Walliæ, quæ contra libertates hujusmodi non didicit conculcare. *Item*, tempore Regum Anglorum, *utpote Regum* Cnuti & Ardecnuti; et præcipue et indubitanter tempore Sancti Edwardi. Item tempore Regis primi Normannorum triumphatoris inclyti Domini Willielmi primi, (all which I have [d] already largely refuted) Et oppressiones quas plangimus, credimus sumpsisse exordium tempore Regis Henrici primi, et præcipue Regis Henrici patris Henrici junioris, quando voluit articulos gravaminum, per consensum Sancti Thomæ Archiepiscopi et cæterorum Pontificum Angliæ confirmari: Quibus quia noluit consentire, sustinuit exilium; et hujus occasione postea, passionem. (He suffered exile, death, as a most egregious, ungratefull, obstinate Rebell, Traytor, and oppugner of the antient Prerogatives, Rights, Lawes, Customes of the King, kingdom, which himself had sworn to observe.) Si igitur Martyrem non facit pœna sed causa, illiciti et damnabiles sunt articuli, quibus quia assentire noluit, sustinuit agoniam; cujus injuriæ totiens repetuntur, quotiens Clerus vel Ecclesia

contra

a See Here, Tom. 1. p 191, 192. Spelman. Concil. Tom. 1. p. 198.

b Spelmanni Concil. Tom. 2. p. 555, 556, &c.

c See Cookes 2 Instit p. 163. Hobards Reports, p. 288, 289, &c.

d See here, Tom. 1 p. 334, &c.

e See Tom. 1. p. 608, to 709.

contra Canones illos oppzimitur, qzos voluit obſervari. (Whoſe Treaſons are rather re-acted as oft as ſuch Canons againſt the Kings prerogative are new minted or juſtified.) *Quia igitur excellentiſſime Domine*, iſta vobis metu conſcientiæ cogimur ſcribere, ſicut volumus in tremendo judicio reſpondere; ſupplicamus humiliter, quatenus iſtis noſtris exhzortationibus aurem dignemini inclinare, qui et juramento veſtro tenemini, a regno veſtro malas conſuetudines extirpare; nec juramento aliquo poteſtis ad ea quæ repugnant libertati Eccleſiaſticæ obligari; et ex habundanti ab omni vos juramento abſolvimus, (he ſhould rather have kept his own Oath of Fealty and Allegiance to the King as he required him, then abſolve the King from his Coronation Oath upon this account) quod poteſt conſcientiam veſtram contra Eccleſiam aliqualiter excitare; et firmiter opinamur, quod vos nec animæ veſtræ poteſtis ſalubziter pzoſpicere, nec ſtabilitati regni veſtri impoſterum pzobioere, niſi exhzortationem noſtram dignemini exaudire, pzo qua tot Sancti Patres, (Rebellious Traytors rather) et penultimo ſanctæ memoziæ Dominus Bonifacius, illuſtris genetricis veſtræ Avunculus, (* forced to fly the Realm, and particularly appealed and complained againſt by King *Henry* the 3d. to the Pope, for his Antimonarchical Conſtitutions againſt his Crown, Dignity, Laws, and Prohibition, in a Council held at *Lambeth*, as this was) tam anxie labozarunt; ad quos bonitatem cozdis veſtri credimus eſſe pzoclivem, niſi vos decipiant impii ſuggeſtozes, (ſo he ſtiles his loyal faithfull miniſters, when as himſelf only was an impious ſuggeſtor) quod ſi fecerint altiſſimo ſupplicamus, ut eos ſic tempozaliter feriat, ut ipſozum animæ ſalvæ fiant. *Datum apud* Lambethe *quarto Nonarum* Novembris, *Anno Domini* 1281. *Conſecrationis noſtræ anno tertio.*

An. 9 E. 1

* See Tom. 2. p. 890, to 912. 983, 989, 990, 991.

Thus doth this Papal Arch-prelate, inſtead of obeying the Kings premiſed Writ, and obſerving his Oath of Fealty to him, in maintaining, not attempting or decreeing any thing to the prejudice of the antient Rights and Priviledges of his Crown and Realm, in this his inſolent Epiſtle moſt perfidiouſly, trayterouſly, and profeſſedly oppugn, argue, conteſt againſt them; and by wreſted, miſapplyed Texts of Scripture, falſe ſuggeſtions, and the preſidents of his moſt ſeditious trayterous predeceſſors *Becket* and *Boniface*, whom he highly magnifies, to endeavour to juſtifie his and his Suffragans Antimonarchical proceedings and Conſtitutions in this Council, yea to ſubject the Kings, and all other Chriſtian Emperors, Kings, Princes perſons, conſciences, Oathes, Laws, Crowns, Prerogatives, to the Juriſdiction, Canons, Conſtitutions not only of the Pope, but of their own Prelates and Clergy, aſſembled in Synods without their Regal authority or preſence in them, and that under pain not only of incurring Gods temporal Judgements on their Perſons, Realms, but of eternal damnation, as oppugners of the Churches pretended Liberties, though conferred on them by their meer Regal Charters and favours.

This Archbiſhop of *Canterbury* (who loved Veniſon better then his Soveraign, or peoples ſouls) claiming 13 Bucks and 13 Does annually out of the Foreſt of *Arundell*, by a compoſition made between Archbiſhop *Boniface* and the Earl of *Arundell*, the King notwithſtanding his premiſed inſolencies againſt him, iſſued this Writ for payment of them to the Keeper of the Foreſt.

MAndatum eſt *Iſabellæ de Mortuo mari* cuſtodi Honoris de *Arundell*, quod in Foreſta de *Arundell* habere faciat venerabili patri *J. Cantuarienſi* Archiepiſcopo ſingulis annis treſdecim Damos et treſdecim Damas, juxta compoſitionem initam inter bonæ memoriæ *Bonifacium* quondam Archiepiſcopum *Cantuarienſem*, & *Johannem* filium *Alani* quondam Dominum Foreſtæ de *Arundell*, quamdiu dicta Foreſta fuerit in cuſtodia ſua. Permittat etiam præfatum Archiepiſcopum ſemel in anno in eundo verſus Manerium ſuum de *Slindon*, & inde recedendo, habere quendam curſum in Foreſta prædicta juxta compoſitionem prædictam. Diſtringat etiam *Matill.* quæ fuit uxor *Johannis* filii *Alani*, ad reddendum ſibi Damos & Damas in portione quam tenet in dotem in prædicta Foreſta. Et præfata *Iſabella* ſimiliter reddat eidem Archiepiſcopo Damos & Damas in portione quam ipſa ſimiliter tenet in dotem in Foreſta illa, prout de jure fuerit faciendum, & juxta compoſitionem prædictam. Teſte, &c. apud *Weſtm.* 5 die *Julii.*

Clauſ. 9 E. 1. m. 5. Pro Archiepiſcopo Cantuarienſi de Damis in Foreſta de Arundell habendis.

An. 9 *E.* 1. In a Bundle of Writs (*Anno* 9 *E.* 1.) which I rescued out of the Rubbish in the White Tower, I met with three memorable Writs issued to three several Sheriffs to seise all the Lands of *Bogo de Clare*, for his contempt in prosecuting a Suit in the Ecclesiastical Court concerning an Advouson of a Church, and appealing to *Rome* against the Kings Prohibition; whereof he was found guilty before the Justices in Eyre in the County of *Lincoln*, upon an Attachment, to the prejudice and disinherison of the Kings Crown and Dignity.

Brevia Regis Anno 9 E. 1. EDwardus *Dei gratia Rex* Angliæ, *Dominus* Hiberniæ, *& Dux* Aquitaniæ, *Vicecomiti* Exon. *&* Berks. *salutem. Ostendit nobis* Johannes de Lovetot *Patronus Ecclesiæ de* Athelingflete, *quod cum* Bogo de Clare attachiatus esset in Curia nostra coram Justiciariis nostris apud Westm. *ad respondendum eidem* Johanni *de placito*, quare secutus fuit placitum in Curia Christianitatis de Advocatione Ecclesiæ prædictæ, contra Prohibitionem nostram; *ac idem* Bogo *in eadem Curia nostra se inde in Inquisitionem patriæ posuisset: Quæ quidem Inquisitio postea capta fuit coram Justiciariis nostris Itinerantibus apud* Linc. *per quam convictum fuit, quod Magister* Johannes le Romeyn, *& Magister* Ricardus de Horton, Justices in Curia Christianitatis super Advocatione prædicta, post Prohibitionem nostram eis porrectam ad prosecutionem ipsius Bogonis attestationes dictam prosecutionem tangentes consignarunt, et ad Curiam Romanam per eundem Bogonem remiserunt, ac tam per Justiciarios nostros de Banco, quam per præfatos Justiciarios nostros Itinerantes in Com. Lincoln. ex parte nostra eidem Bogoni firmiter fuisset inhibitum, ne placitum illud in præfata Curia Christianitatis ulterius sequeretur: Idem Bogo, spretis inhibitionibus nostris prædictis sibi ex parte nostra factis, a prosecutione placiti prædicti non desistit; sed placitum illud adhuc secutus est in Curia Christianitatis, contra Prohibitiones nostras. Et quia ex prosecutione dicti placiti in Curia Christianitatis dictus Johannes de Lovetot, non tantum Advocationis prædictæ jacturam incurreret, immo nobis et hæredibus nostris, Coronæ et Dignitatis nostræ læsio, et exhæredatio manifesta inperpetuum emineret: *Tibi præcipimus firmiter injungentes*, quod capias in manum nostram omnes Terras et Tenementa prædicti Bogonis in Balliva, et ea in manu nostra salvo custodias; ita quod nec ipse, nec aliquis per ipsum ad ea manum apponat, donec aliud a nobis habueris inde præceptum: Et quod de Exitibus eorundem, nobis (si necesse fuerit) plene respondere possis, quousque nobis constiterit, quod præfatus Bogo a prosecutione dicti placiti in Curia Christianitatis finaliter cessaverit. *Et quid inde feceris, & qualiter præceptum nostrum executus fueris in hac parte, scire facias prafatis Justiciariis nostris Itinerantibus apud* Lincoln. *in Octabis Sancti* Michaelis; *& habeas sibi hoc breve. Teste* J. de Wallibus *apud* Lincoln. 25 *die* Julii, *anno regni nostri nono.*

Upon which Writ the Sheriff endorsed this Return; Bogo de Clare, *dum ante traditionem istius brevis, tradidit ac dimisit Manerium de* Astkote, *cuidam* Adæ de Philebi *Clerico. Et nullum habet Laicum feodum in Comitatu* Exon. *neque* Berks. *per quod distringi possit seu attachiari, nec terras nec tenementa quæ capi possint in manum Domini Regis pro prosecutione placiti infra contenti. Et hoc verificare potest per patriam.*

The like Writ *verbatim* issued to the Sheriff of *Southampton*, who endorsed this Return thereon; Bogo de Clare *non habet Laicum feodum in Balliva mea, unde executionem istius brevis facere potui.*

The like Writ of the same date issued to the Sheriff of *Essex*, who Returned; Bogo de Clare *nullas habet terras seu tenementa in Balliva mea, per quæ posset distringi. Habet enim Ecclesiam de* Dunmawe *in Balliva mea, de dono Domini Comitis* Gloucestr. *fratris sui in Episcopatu* London. *sed nullum habet Laicum feodum ad dictam Ecclesiam spectantem, nec alibi in Balliva mea.*

In the same Bundle, I found this Writ issued to the Sheriff of *Nottingham*, against the Archbishop of *York*, and sundry Canons of St. *Maries* Church in *Suthwell*, for prosecuting a Suit for an Advouson in Court Christian, against the Kings Prohibition, and not appearing before the Kings Justices upon former Processe issued to them.

Edwardus

An. 9 E. 1.
Brevia Regis Anno 9 E. 1.

EDwardus *Dei gratia Rex* Angliæ, *Dominus* Hiberniæ, & *Dux* Aquitaniæ; *Vic.* Nottingham *salutem. Præcipimus tibi, sicut alias tibi præcepimus, quod ponas per vadium & salvos plegios* Willielmum *Archiepiscopum* Eboracensem, *quod sit coram Justiciariis nostris Itinerantibus apud* Lincoln. *in Octabis Sancti* Johannis Baptistæ, & *ibi habeas Magistrum* Johannem Clarell, *Magistrum* Henricum de Skipton, *Magistrum* Nicholaum de Welles, Nicholaum de Knovill, *Magistrum* Johannem de Peningeston, & *Magistrum* Benedictinum de Halom, *Canonicos Ecclesiæ Sanctæ* Mariæ *de* Suthwelle *Clericos suos, ad respondendum* Richardo de Grey *custodi terræ & hæredis* Anthonii de Frethevill, *de placito,* **quare secuti sunt placitum in Curia Christianitatis de Advocatione Ecclesiæ de** Boneye, **contra Prohibitionem nostram,** *ut dicit: Et ad ostendendum quare prædictum* Johannem & *alios coram Justiciariis nostris Itinerantibus apud* Ebor, *in crastino Sancti* Hilarii *venire non fecit, sicut sibi mandatum fuit. Et tu ipse tunc sis ibi auditurus Judicium tuum de hoc quod præceptum nostrum prius inde tibi directum non es executus, sicut tibi præceptum fuit. Et habeas ibi nomina pleg. & hoc breve. Teste* J. de Metingham *apud* Dereby 12 *die* Maii, *anno regni nostri nono.*

Sundry Canons and Converts of the Order of *Sempingham* this year turning Apostates, and deserting their Houses in divers Priories of that Order, to the peril of their souls, and scandal of their profession; the King upon complaint issued this Writ to apprehend and punish them for it, and to deliver such of them who were then apprehended, to those of that Order to be chastised.

Pat 9 E. 1. pars 1. m. 22. De Fratribus vagabundis castigandis.

REX dilecto & fideli suo *Roberto de Ros*, salutem. Cum nuper per literas nostras patentes concesserimus dilecto nobis in Christo Magistro Ordinis de *Sempingham*, **quod quosdam Canonicos et Conversos de diversis Prioratibus ejusdem Ordinis professos, qui sine licentia sua et Priorum suorum, in suæ salutis periculum, et Ordinis prædicti scandalum grabissimum, relicto habitu suo, et aliqui eorum in eorum habitu discurrunt per patriam vagabundi, ubicunque eos invenire contigerit, capere et detinere valeat secundum sui Ordinis regulam instituendos,** ac Frater *Adam de Karleton*, & Frater *Willielmus de Hikeham* Conversi Hospitalis Sanctæ *Katerinæ* extra *Lincoln.* Ordinis prædicti, qui habitum suum reliquerunt, capti sint & detenti in Castro vestro de *Belvero*, ad prosecutionem Fratris *Adæ de Barbe* Celerarii Hospitalis prædicti, ut accepimus, nos eidem Magistro concessionem nostram prædictam in hac parte continuari volentes: Vobis mandamus, quod prædicto Celerario nomine prædicti Magistri, prædictos Conversos fugitivos sic arrestatos, sine dilatione deliberari faciatis **castigandos,** sicut prædictum est. Nisi aliquid aliud contra pacem nostram fecerint, quare nobis inconsultis sibi deliberari non debeant. In cujus, &c. Teste Rege apud *Tame* primo die *Maii.*

The King to prevent the Sacrilegious imbezilling of the Rents, Chalices, Books, Vestments, Images, Reliques, Charters, and Bulls of the Hermitage by *Cripelgate*, granted the custody thereof in his name to the Constable of the Tower for the time being, by this Patent.

Pat. 9 E. 1. m. 10. intus. De custode deputato ad Heremitagium juxta Cripelgate.

REX omnibus Ballivis & fidelibus suis ad quos, &c. salutem. **Quia Redditus, Calices, Libri, Vestimenta, Imagines, Campanæ, Reliquiæ, Cartæ, munimenta Regia, privilegia Apostolica, Utensilia, et alia bona Heremitagii juxta** *Cripelgate*, quod est de advocatione nostra, & quod celebris memoriæ Dominus *H.* Rex pater noster *Roberto de Sancto Laurentio* Capellano, cum omnibus pertinentiis suis dedit, ad inhabitandum quoad vixerit, **per decessum Heremitarum Heremitagii illius tempore vacationis ejusdem, tam per viros Ecclesiasticos quam Laicos subtrahi et asportari solent,** ut dicitur, pro eo quod Heremitagium illud non fuerit tunc sub certa custodia: **Nos ad hujusmodi dampna et pericula ibidem in posterum evitanda, remedium adhibere volentes in hac parte;** Constabularium Turris nostræ *London.* qui pro tempore fuerit, **ejusdem Heremitagii nomine nostro quamdiu nobis placuerit custodem deputabimus,** ut ipse Heremitagium illud inhabitantes, redditus, & omnia alia ad illud pertinentia de cætero **nomine nostro custodiat;**

An. 9 *E.* 1. custodiat, protegat et defendat. Et si quid eis forisfactum fuerit, id eis sine dilatione faciat emendari. In cujus, &c. Teste Rege apud *Westm.* 12 die *Julii.*

The King this year, at the Petition of the Prior and Covent of *New Burgh* much endebted, granted this Royal Protection to them.

Pat. 9 E. 1. m. 19. intus.

REX omnibus Ballivis & fidelibus suis ad quos, &c. salutem. Cum dilecti nobis in Christo Prior & Conventus de *Novo Burgo* Mercatoribus & aliis Creditoribus suis diversis in debitis multimodis & immensis teneantur, ad quorum solutionem facultates Prioratus prædicti per magni temporis spacium sufficere non possent, absque dispersione Canonicorum Prioratus prædicti, vel feodalium suorum, dilapidatione seu forte Prioratus illius subversione totali quod nollemus: Nos, *&c.* as in former Protections. *In cujus*, &c. *Teste Rege apud* Westm. 25 *die* Maii.

The Prior and Covent of *Chirebiry* translating themselves thither from *Snede*, which they afterwards found inconvenient to their devotion, the King upon their petition granted them this Patent to return again to *Snede*; in the prologue whereof and close he expressed his Soveraign Royal duty and care to advance Religion and Devotion.

Pat. 9 E. 1. m. 19. intus. De Priore & Conventu de Chirebiry.

REX omnibus, &c. salutem. **Cum nos in his quæ ad cultum divinum pertinent ministros et professores cultus illius ad laudem et honorem omnipotentis Dei in locis congruis ad hoc confovere teneamur, et illos præcipue qui sub nostro speciali regimine ad hoc vacaverint,** ac dilecti nobis in Christo Prior & Conventus de *Chirebiry*, qui primo apud la *Snede* suæ professionis & devotionis inchoaverunt originem, exinde postmodum usque *Chirebiry* **translati**, ibi locum non invenerint adeo congruum divino ministerio celebrando ob varia impedimenta quæ eis ibidem occurrunt, ut accepimus. Nos ipsorum Prioris & Conventus tranquillitati in hac parte prospicere volentes, **ut commodius et liberius contemplationi divinæ valeant vacare, concedimus eisdem, quod ad prædictum locum de** Snede **absque calumnia et occasione nostri vel hæredum nostrorum ad vota et professionis suæ debita ibidem complenda regredi et morari valeant, et ea ibidem suo perpetuo consummare.** Proviso tamen, **quod animabus illorum qui in prædicto sacro loco de** Chirebiry **requiescunt non minus per prædictos Priorem et Conventum in prædicto loco de** Snede **ministeriis divinis super hoc. suffragetur impositerum, quam ibidem temporibus retroactis fieri consuevit.** Ita etiam quod præfatis Religiosis, nichil juris sui depereat seu decrescat apud *Chirebiry* occasione translationis suæ supradictæ. In cujus, &c. Teste Rege apud *Westm.* 21 die *Maii.*

This year there fell out this memorable case, in an Assise of Darraign Presentment, betwèen the King, and the Bishop and Chapter of *Landaff*, concerning the Church of *Lantehowe*, the presentation whereunto the King then claimed by reason of the Wardship of *John de Hastings*, Heir of *Bergeveny*, in whose Court he sued them, to which they demurred.

Pat. 9 E. 1. m. 20. intus. Pro Episcopo & Capitulo Landaven. de Ecclesia de Lantehowe.

REX omnibus, &c. salutem. Inspeximus Recordum & Processum habitum inter nos & *Landaven.* Episcopum & Capitulum ejusdem loci coram dilecto Clerico nostro Magistro *Henrico de Bray* Senescallo nostro de *Bergaveny* de Ecclesia de *Lantchowe Purthelck* in hæc verba. *Hugo* Ballivus de *Bergeveny* qui prosequitur pro Domino Rege nomine *Johannis de Hasting.* qui infra ætatem est & hæres de *Bergeveny*, optulit se versus Dominum *W. de Breuf.* Episcopum *Landavensem*, & ejusdem loci Capitulum de placito Assisæ ultimæ præsentacionis Ecclesiæ de *Lantechou Porchalank.* Et prædicti Episcopus & Capitulum non venerunt, & ideo consideratum est quod dicti Episcopus & Capitulum resummonerentur per bonos summonitores quod sint ibidem die Jovis proxima ante festum Annunciationis beatæ *Mariæ*, ad audiendum Recognicionem prædictæ Assisæ, &c. Curia tenta die Jovis Anno regni Regis *Edwardi* 1. sexto in vigilia Annunciationis beatæ *Mariæ* apud *Bergeveny* qui prosequitur pro Domino Rege nomine *Johannis de Hasting.* qui infra ætatem est & hæres de *Bergeveny* optulit se versus *W. de Breus.* Episcopum *Landaven-*

sem

sem & ejuſdem loci Capitulum de Placito Aſſiſæ ultimæ Præſentacionis Eccleſiæ de *Lanch. Porch.* Et Epiſcopus & Capitulum venerunt, & dicebant, quod non tenebantur ad ſummonicionem alicujus Ballivi ſeu Seneſcalli de *Bergeveny* pro aliquo Brevi Regis venire, nec in Curia illa de *Lantehold. Porchalank*, nec de aliquo Jure ad Eccleſiam de *Land.* pertinente ibidem reſpondere, quia ipſi et prædeceſſores ſui a tempore cujus non extat memoria uſque nunc, continue tenuerunt illam tanquam pertinentem ad Eccleſiam ſuam Cathedralem de *Land.* nec aliquid tenent ſeu tenere clamant de Domino de *Bergeveny*, unde ibi reſpondere non debent ut dicunt. Et ſic receſſerunt Epiſcopus & Capitulum. Et conſideraberit Curia quod Aſſiſa illa per Dominum Regem verſum Epiſcopum et Capitulum ſic arraniata caperetur in ipſorum Epiſcopi et Capituli defectum, et quod ulterius inquireretur de Jure Patronatus Eccleſiæ prædictæ, quia talis conſuetudo conſuebit eſſe in Curia prædicta. Aſſiſa ultimæ præſentacionis per Dominum *Edwardum* Regem *Anglia* tanquam Cuſtodem hæred. de *Bergeveny*, coram *Henrico de Bray* & ſibi aſſociatis die Jovis in vigilia beatæ *Mariæ* anno regni Regis *Edwardi* I. ſexto, verſus Dominum *Willielmum de Breus.* Epiſcopum *Landavenſem* & ejuſdem loci Capitulum arram. per *Philippum ab Menrik ab David, David ab Wranon ab Gilbert, Leulin ab Wilim, Walterum de Tineleye, Menricum ab Adam, Wronon ab Adam, Waſtelon ab Knaithon, Blethin ab Knaithon, Willielmum de Groſemunde, David ab Wronon Kelim, Philippum ab Laurenc. Irienard Wauham ab Madok, Adam Waludian, ab Adam ab Knaithon, Willielmum* filium *Ricardi, Vincencium Scudemor, Robertum Wroth Macy, Wroch Macy* filium *Walteri, Henricum Pelliparium, Walterum Comyn, Walterum Somery* venit recognitura, quis advocatus tempore pacis præſentavit ultimam perſonam quæ mortua eſt ad *Lanchporch.* quæ vacat ut dicitur: Cujus præſentacionem Dominus Rex dicit ad ipſum pertinere, ratione cuſtodiæ hæredis & terrarum de *Bergeveny*, & quam præſentacionem memorati Epiſcopus & Capitulum *Landav.* injuſtè ei deforc. ut dicit. Qui jurati ſuper Sacramentum ſuum dicunt, *quod nemo advocatus unquam præſentavit ad Eccleſiam de* Lanch porch. ſet quod omnes Epiſcopi et Capitulum Land. qui pro tempore fuerunt a tempore cujus non extat memoria, hactenus tenuerunt memoratam Eccleſiam de Lanch Porch in proprios uſus; hoc adjecto, *quod* Adam de Lanch. *qui ultimo obiit in eadem ſunt firmarius prædictorum Epiſcopi & Capituli. Et etiam quidam* Johannes *qui proximo ante ipſum* Adam *obiit ſimiliter fuit firmarius in eadem. Et ſic quidam* Gorgi *Capellanus qui immediatè deceſſit ante ipſum* Johannem *ſimiliter obiit ut firmarius in eadem, ita quod nullus eorum tenuit pro æquali ſumma pecuniæ pro qua & alter tenuit, ſet pro voluntate prædictorum Epiſcopi & Capituli majus & minus contulerunt pro firma memorata juxta firmarium conſuetudinem.* Et ideo conſideratum eſt, quod prædicti Epiſcopus & Capitulum in præſencia ſua poſſent tanquam proprietarii Eccleſiæ prædictæ ſuam tenere proprietatem Eccleſiæ de *Lanch Porch* memoratæ per viſum Recognitorum Aſſiſæ prædictæ, & quod prædictus Dominus *E.* Rex nichil capiat per præſentacionem ſuam ad præſens factam. In cujus, &c. Teſte Rege apud *Weſtm.* xv. die *Maii.* *An.* 9 *E.* I.

The King having an expedition againſt the *Welſh* in the 5th. year of his Reign, ſummoned all Biſhops and Abbots, as well as Earls, Barons and Laymen, who held of the Crown by Knight Service, to attend and ſerve him with their Horſe and Armes; whereupon thoſe who attended not, or made no compoſition for their Service then, were afterwards forced to pay a Fine for their defaults, amongſt the reſt the Abbot of *Malmesbury* paid one Hundred Marks Fine, as this Record atteſts.

REX Theſaurario & Baronibus ſuis de Scaccario, ſalutem. Sciatis quod dilectus nobis in Chriſto Abbas *Malmesbir.* liberavit per præceptum noſtrum dilecto Clerico noſtro *Rogero de Eveſham* **Centum Marcas, per quas finem fecit nobiſcum pro ſervicio ſuo in exercitu noſtro** Walliæ **anno regni noſtri quinto,** prout per literas noſtras patentes quas idem Abbas inde habet, & quas inſpeximus nobis conſtat. Et ideo vobis mandamus, **quod prædictum Abbatem de prædictis Centum Marcis quietum eſſe faciatis**; proviſo quod idem *Rogerus* inde oneretur ad Scaccarium prædictum. Teſte Rege apud *Weſtm.* 28 die *Octobris.* Clauſ. 9 E. 1. m. 2. Pro Abbate de Malmesbury.

The

An. 9 *E.* 1. The Monks of *Battle* Abby having by antient Charters the custody of the Temporalties and Goods of the Abby during the vacancy, the King thereupon issued this Writ not to interrupt this Priviledge.

Clauſ 9 E. 1. m. 8. Pro Monachis de Bello. QUia per *Chartas prædecessorum Regis Regum* Angliæ *concessum est Monachis de* Bello, *quod cedentibus vel decedentibus Abbatibus ejusdem loci ipsi Monachi habeant custodiam Abbatiæ suæ, & omnium terrarum & tenementorum ad ipsam pertinentium, & liberam administrationem de omnibus rebus & possessionibus ad eandem Abbatiam pertinentibus*, (against common right) *Mandatum est* Radulpho de Sandwico *Seneschallo Regis*, quod ipsos Monachos custodiam Abbatiæ suæ in hac vacatione sua & omnium terrarum & tenementorum ejusdem Abbatiæ, & liberam administrationem de omnibus rebus & possessionibus ad ipsam pertinentibus habere permittat, sicut prædictum est: *Nec de custodia prædicta, vel aliquibus ad ipsam pertinentibus se intromittat contra concessionem prædictam. Et si quæ inde post captionem dictæ domus in manum Regis percepta fuerint, ea eis sine dilatione restituat. Teste Rege apud* Westm. 9 *die* Maii.

He likewise issued these Writs for confirmation and allowance of all Charters of Priviledge granted to the Abby of *Westminster*.

Clauſ. 9 E. 1. m. 11. Pro Abbate & Conventu Westm. REX Thesaurario & Baronibus suis de Scaccario, salutem. Cum nos Chartas progenitorum nostrorum Regum *Anglie* factas dilectis nobis in Christo Abbati & Conventui *Westm.* per Chartas nostras favorabiliter duxerimus confirmandas: **Nos eos in omnibus et singulis articulis in Chartis prædictis contentis, manutenere volentes et tenere**; vobis mandamus, quod lectis coram vobis in Scaccario prædicto Chartis Confirmationum nostrarum eis factis, eos articulis in eisdem Confirmationum Chartis contentis uti & gaudere, & Chartas illas eis allocari faciatis. Teste Rege apud *Westm.* 5 die *Decembris*.

Clauſ. 9 E. 1. m. 12 Pro Abbate Westm. MAndatum est *Galfrido de Pycheford* Constabulario Castri *Wyndesores*, quod in Foresta de *Wyndesore* habere faciat Abbati *Westm.* octo Damas, loco octo Damorum quos percipere consueverunt in Foresta prædicta per Chartas prædecessorum Regis Angliæ quas Rex confirmavit. Teste Rege apud *Westm.* 28 die *Novembris*.

Robert Bayton and two other Clerks being accused and imprisoned before the Kings Justices Itinerant for several trespasses, murders, rebellions, rapines, and his lands, goods and chattels thereupon seised into the Kings hand, they being delivered to the Bishop, and thereupon making their purgations, their lands and goods by the Kings special grace were restored by these Writs.

Clauſ. 9 E. 1. m. 3. Pro Roberto de Boyton Clerico. REX Vic. *Cornub.* salutem. Cum *Robertus de Boyton* Clericus, pro suspitione fractionis Capellæ de *Kynemersdon.* ac asportacione & rapina quarundam Cartarum, & aliis transgressionibus sibi impositis coram Justiciariis nostris ultimo Itinerantibus in Comitatu *Somersetiæ* indictatus, & per eosdem Justiciarios ad requisitionem venerabilis patris *R. Bathonienſis & Wellenſis* Episcopi, eidem Episcopo juxta privilegium Clericale, prout moris est, liberatus, innocenciam suam super hujusmodi transgressionibus coram eodem Episcopo legitime purgabit, sicut idem Episcopus per literas suas patentes nobis significavit; Tibi præcipimus, quod omnes terras et tenementa, bona et catalla prædicti *Roberti*, quæ occasione transgressionum prædictarum capta sunt in manum nostrum, et quæ sunt in custodia tua, eidem *Roberto* restitui facias hac vice de gratia nostra speciali. Teste Rege apud *Wyndesores*, viii. die *Septembris*.

Consimiles literas habet idem *Roberto* Vicecomitibus *Buks*, *Sommers. Suff.* & *Essex*. Teste ut supra.

Ibid. m. 4 Pro Magistro Willielmo de Ebor. Clerico. REX Vic. *Sutht.* salutem. Cum Magister *Willielmus de Eborum* de morte *Hugonis de Uffcote* coram Justiciariis nostris ultimo itinerantibus in Com. *Wiltes.* in

in eodem Com. indictatus, & ad requisitionem *R. Surum* Episcopi, &c. ut supra T. R. apud *Westm.* primo die *Sept.* Moreover these Writs issued for other Clerks. *An.* 9 *E.* 1.

REX Vic. *Lincolniæ* salutem. Cum *Willielmus de Freston* Clericus super sinistra suspicione furti & roberiæ coram Justiciariis nostris nuper itinerantibus in eodem Comitatu indictatus, & ad requisicionem venerabilis patris *O.* per eosdem Justic. &c. liberatus fuerit ut supra, &c. Teste Rege apud *Westmonasterium* primo die *Sept.* Ibid Pro Willielmo de Freston Clerico.

COnsimile Vic. *Lincolniæ* pro *Roberto de Newcomen de Lessceby* Clerico super receptamento cujusdam felonis filii sui, &c. ut supra. Teste Rege apud *Cantuariam* xii. die *Aug.* Per Billam. Ibid. Pro Roberto de Newcomen Clerico.

CONsimile Vic. *Sussex* pro *Alex. Prickove* nuper capto & detento in prisona nostra *Ciceſtriæ*, pro quadam transgressione sibi imposita coram dilectis & fidelis nostris *Luca de Tavj*, & *Ricardo de Exton*, ad quasdam Inquisiciones in Com. prædicto captas nuper per nos assignatis, demum ad requisitionem venerab. patris *S. Ciceſtr.* Episcopi eidem Episcopo, &c. liberatus fuisset —— &c. ut supra, &c. in manum nostram capta nisi prius fugam fecerit, sine dilatione restituas, &c. Teste Rege apud *Westm.* 7 die *Julii.* Ibid m. 5. Pro Alexand. Prickove Clerico.

REX Vic. *Nottingham* salutem. Cum *Willielmus Barne* de *Scafteſworde* Clericus super furto & latrocinio indictatus coram Justiciariis nostris ultimo itinerantibus in Com. prædicto, & per eosdem Justic. ad requisitionem venerabilis patris *W. Eborum* Archiepiscopi, eidem Archiepiscopo ——, &c. liberatus —— &c. Teste Rege apud *Westm.* 3. die *Julii.* Pro Willielmo Barne de Scafteword.

REX Thesaurario & Baronibus suis de Scaccario salutem. Cum nuper mandaverimus *Willielmo de Redham* Vicecomiti nostro *Norff.* quod terras & tenementa, bona & catalla *Johannis de Redesham*, qui super diversis transgressionibus indictatus fuerat, & postmodum ad requisicionem venerabilis patris *W. Norwicensis* Episcopi, jurta pribilegium Clericale eidem Episcopo liberatus, &c. de gratia nostra speciali, ac vos jam præfatum Vicecomitem de decem Marcis ad quas bona & catalla prædicti *Johannis* capta in manum nostram appreciata fuerunt oneraveritis ad Scaccarium prædictum; vobis mandamus, quod eundem Vicecomitem de dictis decem Marcis exonerari faciatis. Teste meipso apud *Kenington* 5. die *Maii.* Anno Regni nostri nono. Clauſ. 9 E. 1. m 8. Pro Willielmo de Redham.

REX Vicecomiti *Somerſ.* salutem. Cum *Willielmus de Corunden* Clericus rettatus super latrocinio & aliis transgressionibus coram Justiciariis nostris nuper Itinerantibus in Com. prædicto, & per eosdem Justiciarios ad requisitionem venerabilis patris *R. Bathonienſis & Wellenſis* Episcopi eidem Episcopo, &c. liberatus, &c. ut supra. Teste Rege apud *Coleford* 7. die *Febr.* Clauſ. 9 E. 1. m. 10. Pro Willielmo de Corunden Clerico.

All these Clerks in one Circuit were indicted of these several Felonies, and demanded acquitted by their Ordinaries Certificates upon their * *feigned or favourable purgations*; whereby they escaped Justice, and the King lost their forfeitures.

The King having seised some Lands into his hands upon the Statute of *Mortmain* newly made, respited their seisure by this Writ till the next Parliament, being a new case, and the first I have observed after this Statute made. * See Hobards Reports, f. 288, 289, 290.

MAndatum est Ballivis de Basingestok, *quod terras illas & tenementa cum pertinenciis in* Basingestok, quæ nuper ceperunt in manum Regis, pro eo quod Magister Perus de Abindon de terris illis et tenementis Magistrum et fratres Hospitalis Sancti Johannis de Basingestok contra Statutum Regis nuper editum de hujusmodi terris et tenementis in manum mortuam non ponendis, *eisdem Magistro & fratribus replegiari faciant* usque ad proximum Parliamentum Regis *post festum Sancti* Michaelis *proximo futurum*, ut tunc inde fiat quod Rex de consilio suo duxerit ordinandum. *Teste Rege apud* Westm. 18 *die* Maii. Clauſ. 9 E. 1. m. 8. De Magistro & fratribus Hospitalis Sancti Johannis de Basingestok.

An. 9 *E.* 1. The Bishop of *Chicheſter* endeavouring to compell one of the Kings Clerks to reside upon his Benefice, againſt the Kings ancient prerogative; he thereupon iſſued this Prohibition to him.

Clauſ. 9 E. 1. m 4. dorſo. Ne clerici Regis compellantur ad reſidentiam faciendam vel ad ordines ſuſcipiendos, &c. See Fitzh. Nat. Brev. f. 44. G.

REX Epiſcopo Ciceſtrenſi *ſalutem.* Cum Clerici noſtri ad ordines ſuſcipiendos, vel ad faciendam in ſuis Beneficiis reſidentiam perſonalem dum noſtris immorantur obſequiis compelli, aut alias ſuper eiſdem moleſtari vel inquietari non debeant, Noſque et progenitores noſtri Reges Angliæ hujuſmodi libertate ſeu privilegio pro clericis noſtris, a tempore quo non extat memoria, ſemper hactenus uſi fuerimus, quod nec ipſi Clerici noſtri vel progenitorum noſtrorum prædictorum aliquibus retroactis temporibus ſuper hujuſmodi compelli, vel alias ſuper Beneficiis ſuis moleſtari vel inquietari conſueverint. Vobis mandamus firmiter inhibentes, *ne dilectum Clericum noſtrum Magiſtrum* Galfridum de Aſpraile *in Dioceſi veſtra beneficiatum*, qui per præceptum noſtrum noſtris jugiter intendit obſequiis, dum eiſdem obſequiis immoratur ſuper hujuſmodi compellatis, aut alias ſuper Beneficiis ſuis inquietatis ſeu moleſtetis: Et ſequeſtrum ſi quod de fructibus aut bonis beneficiorum ſuorum hujuſmodi occaſione fieri feceritis, ſine dilatione relaxari faciatis. *Teſte Rege apud* Weſtm. *primo die* Julii, *anno nono.*

The King this year ſent Letters and Addreſſes to theſe *Roman* Cardinals and Officers concerning his affairs in the Court of *Rome.*

Cl. 9 E. 1. dorſ. 8. In cedula.

Fratri Latino *Epiſcopo* Hoſtienſi, *Sedis Apoſtolicæ Cardinali.*
Fratri Bientiviegne *Epiſcopo* Albanenſi, *Sedis Apoſtolicæ Cardinali.*
Domino Ordonio *Epiſcopo* Tuſculano, *Sacroſanctæ* Romanæ *Eccleſiæ Cardinali.*
Domino Jacobo de Sabello *Sanctæ* Mariæ *in* Coſmedin. *Diacono Cardinali.*
Domino Auberc *titulo Sanctæ* Praxedis, *Presbytero Cardinali.*
Fratri Jeronimo *titulo Sanctæ* Potencianæ, *Presbytero Cardinali.*
Domino Willielmo *titulo Sancti* Marci, *Presbytero Cardinali.*
Domino Girardo *titulo* Baſilicæ 3. Apoſtolorum, *Presbytero Cardinali.*
Domino Gonfrido *Sancti* Georgii *ad* velum aureum, *Diacono Cardinali.*
Domino Matthæo *titulo Sanctæ* Mariæ in Porticu, *Diacono Cardinali.*
Domino Jacobo de Columpna *Sanctæ* Mariæ in via lata, *Diacono Cardinali.*
Domino Jordano *Sancti* Euſtachii, *Diacono Cardinali.*
Petro de Petris groſſis *Vicecancellario Sacroſanctæ* Romanæ *Eccleſiæ.*
Johanni Gaitano *Notario Domini Papæ.*
Magiſtro Ricardo *Notario Domini Papæ.*
Magiſtro Bernardo de Neapoli *Notario Domini Papæ.*
Magiſtro Benedicto de Agnan *Notario Domini Papæ.*

What arrears of a penſion the King ordered to be paid this year to one of the *Roman* Cardinals, this Record will inform us.

Liberate 9 E. 1. m. 5. Pro D. J. Sanctæ Mariæ in Choſmedyn. Diacono Cardinali.

REX eiſdem ſalutem. Literate *de Theſauro noſtro venerabili patri* J. *Sanctæ* Mariæ *in* Choſmedyn. *Diacono Cardinali,* quinquaginta marcas de terminis Sancti Michaelis *anno Regni noſtri octavo, &* Paſchæ *anno regni noſtri nono*, pro annuo feodo ſuo quinquaginta Marcarum, quod ei conceſſimus percipiendum ad Scaccarium noſtrum, *niſi pecuniam illam ei prius liberaveritis per aliud breve noſtrum. Teſte Rege apud* Weſtm. *xxviii. die* Julii.

*Here Tom. 1. p. 759, 760, 761. & Tom. 2 p. 218.

This year King *Edward* recited and confirmed the antient Charter of King *John* to the Nuns of *Ambresbiry*, wherein their incontinency * heretofore is thus again recorded to poſterity.

Cart. 9 E. 1. m. 1. Pro Monialibus de Ambresbir.

REX Archiepiſcopis, &c. ſalutem. Inſpeximus Cartam quam Dominus Johannes *quondam Rex* Angliæ *avus noſter fecit in hæc verba.* Johannes *Dei gratia Rex* Angliæ, *&c.* Sciatis Moniales de Ambresbir. circiter triginta, propter vitæ turpitudinem et ordinis ſui diſſolutionem et infamiam quæ divulgabatur publice, mandato Domini Papæ Alexandri, voluntate eciam Domini Regis H. patris noſtri

ſtri, conſilio quoque et prouidencia Richardi Cantuarienſis Archiepiſcopi, Apoſtolicæ ſedis Legati, et Joſcelini Sarum, et Bartholomæi Exonienſis, et Rogeri Wyntonienſis, et G. Londonienſis; et aliorum plurimorum Epiſcoporum, et Magnatum, et Baronum noſtrorum a Monaſterio ſuo fuiſſe amotas, et in aliis Monaſteriis collocatas, & Moniales *Fontis Ebraldi* ibidem ad ſerviendum Deo introductas, &c. *An.* 9 E. 1.

The Clergy of the Province of *Yorke* having granted a Diſme to the King, he iſſued this Writ to the Biſhop of *Karliſle* for the due and ſpeedy collection thereof within his Dioceſſe.

REX *venerabili in Chriſto Patri* R. *&c.* Karleolenſi *Epiſcopo ſalutem. De benevolencia & fidelitate veſtra fiduciam gerentes ſpecialem, paternitatem veſtram affectuoſe requirimus & rogamus*, quatinus decimam nobis conceſſam in Dioceſi veſtra a Clero Dioceſis illius colligi et adunari faciatis, juxta formam conceſſionis nobis inde factæ in aliis Dioceſibus Eboracenſis Prouinciæ. *Ita quod de pecunia proueniente de* Decima illa in Epiſcopatu veſtro prædicto nobis ad mandatum noſtrum poſſitis reſpondere. *Et taliter vos habeatis in hac parte, quod diligenciam veſtram merito debeamus commendare, & vobis exinde gratias referre ſpeciales. Teſte, &c. apud* Wodeſtok 18. *die* Aprilis, *Anno regni noſtri nono.* Fines 9 E. 1. m 14. De Decima colligenda & adunanda,

The Pope having granted an Indulgence to the Freers of the Hoſpital of St. *James*, once a year to collect Almes in all Churches, the King to promote this work, iſſued this Patent to Archbiſhops, Biſhops and others, to protect and aſſiſt them therein, and apprehend all falſe Collectors thereof, not appointed by them.

REX Archiepiſcopis, Epiſcopis, &c. ſalutem. Cum Dominus Papa dilectis nobis in Chriſto Magiſtro & Fatribus Hoſpitalis Sancti *Jacobi* de *Alto paſſu Lincolnienſis* Diocæſis **duxerit indulgendum, quod ſemel in anno recipiantur in Eccleſiis ad colligendas eleemoſynas**; Propter quod ipſi ad loca diverſa pro colligendis eleemoſynis accedunt, Nos eoſdem Fratres, & eorum attornatos, in protectionem & defenſionem noſtram ſpecialem ſuſcepimus, vobis Ballivis noſtris præcipientes, **quod ſi quid eis per quoſcunque Clericos vel Laicos ſatisfactum fuerit, id eis ſine dilatione faciatis emendari.** Vos etiam Prælatos rogamus, quatinus cum iidem Fratres, aut eorum attornati, ad loca veſtra pro hujuſmodi eleemoſynis colligendis acceſſerint, **benigne in Eccleſiis veſtris recipientes, eoſdem ipſos in Eccleſiis veſtris admonere populum, et eleemoſynas libere quærere permittatis, et eiſdem Fratribus vel eorum nunciis ad hujuſmodi eleemoſynas in veſtris Dioceſibus per ipſos deputatis colligendas literas veſtras convocatorias liberaliter concedere velitis.** Ita quod à Deo meritum, à nobis grates reportare debeatis ſpeciales. Et quia intelleximus, quod quidam malivoli advocantes ſe per Magiſtros & Fratres Hoſpitalis prædicti eleemoſynas colligunt & recipiunt **nomine ipſorum, licet ad hoc per ipſos poteſtatem non habeant, nos hujuſmodi maliciam reprimere volentes**; vobis Ballivis noſtris præcipimus, **quod ipſos malivolos cum per vos tranſitum fecerint prout rationabiliter faciendum arreſtari faciatis, donec aliud inde præceperimus, vel ipſi de hujuſmodi malicia competentes emendas fecerint, prout alias in caſu conſimili fieri conſuevit.** In cujus, &c. Teſte Rege apud *Winton.* 12 die *Octobris.* Pat. 9 E. 1. m. 5. intus. De Magiſtro & Fratribus Hoſpitalis Sancti Jacobi de Alto paſſu.

The King to advance Learning, and for the good of the Church, Prieſthood and Commonwealth, gave his Royal aſſent for tranſlating the Freers of the Hoſpital of St. *Johns* in *Cambridge*, into a Colledge of Scholars, after the pattern and rules of *Merton* Colledge in *Oxford*, by this memorable Patent.

REX omnibus ad quos, &c. ſalutem. Rex inclytus *Hebreæ* Gentis quem omnipotens ultra capacitatem comprehenſionis intellectiis humani prærogativa ſapientiæ cultus inſignivit, promiſſo ſibi à Domino munere quod optaret, circumſpectè conſiderans ſapientiam terrenis rebus ſingulis prævalere, ipſam expetiit, prudenter attendens, quod illam omnia bona pariter ſubſequuntur. Quapropter **decet Regiam Excellentiam exemplis optimis informatam**, libenter aſſenſum Pat. 9 E. 1. m. 28. intus. De Scholaribus in Hoſpitali Sancti Johannis Cantebr. loco Fratrum ſecularium ſubrogandis.

An. 9 *E.* 1. impartiri ad facta favorabiliter prosequenda per quæ viri fiant pro utilitate Reipublicæ sapientes, **quorum prudentia regimini Regni et Sacerdotii probide consulatur, et in his agitatione studii doctrina sapientiæ sugiter amplietur.** Nos igitur attendentes venerabilem patrem *Hugonem Elienſem* Episcopum proposito laudabili concepisse, quod loco Fratrum secularium in Hospitali suo Sancti *Johannis Cantebr.* **Scholares studiosi subrogentur, qui secundum regulam Scholarium** Oxon. **qui de** Merton. **cognominantur, in Universitate** Cantebrigiæ **per omnia conversentur: Perpendentes et hujusmodi studio per eminentiam sapientiæ posse Reipublicæ multa commoda provenire, præfatæ subrogationi, mutationi seu translationi et causa suprascripta faciendæ, nostrum Regium præbemus assensum.** Nolentes per hoc, quod eleemosyna pauperum ad dictum Hospitale confluentium, quæ a Sanctis Patribus Episcopis *Elienſis* Ecclesiæ est antiquitus constituta in aliquo defraudetur. In cujus, &c. Teste Rege apud *Burgum* 24 die *Decembris.*

The King this year granted these protections to two of his *Irish* Bishops, residing in *England* by his license from their Bishopricks, without any care of their peoples souls.

Pat. 9 E. 1. m. 7. De Protectionibus.

COnsimilem protectionem habet *S. Waterfordensis* Episcopus in *Hibernia*, **qui de licentia Regis moratur in Anglia per biennium duraturam,** cum clausula volumus, &c. Teste, &c.

N. Darensis Episcopus, **qui de licentia Regis moratur in Anglia, habet literas de protectione in** Hibernia, simplices sine clausula quamdiu Regi placuerit duraturas. Teste ut supra.

He likewise had this Patent to make Attornies in all Courts in *Ireland*, though none to supply his Pulpits.

Pat. 9 E. 1. m. 7.

REX omnibus Ballivis, &c. *Hiberniæ*, salutem. Sciatis quod venerabilis *N. Darensis* Episcopus, **qui de licentia Regis moratur in regno** *Angliæ*, attornavit coram nobis loco suo *Philippum Shynnon*, & *Johannem* filium *Adæ*, ad lucrandum vel perdendum in omnibus placitis & querelis, motis vel movendis, pro ipso Episcopo vel contra ipsum, in quibuscunque Curiis *Hiberniæ.* Et ad instantiam ejusdem Episcopi concessimus, quod prædicti *Philippus* & *Johannes*, vel alter ipsorum, quem præsentem esse contigerit loco ipsius Episcopi facere possint vel possit, attornatos vel attornatum quem voluerint vel voluerit in Cancellaria nostra *Hiberniæ*, ad omnia prædicta placita & querelas, prosequend. & defendend. & ad lucrandum vel perdendum in eisdem, sicut prædictum est. In cujus, &c. per triennium duratur. cum hac clausula, præsentibus, &c. Teste ut supra.

* Ibid. m. 19. intus.

The like Patent to make Attornies in *Ireland* was granted to * *David* Archbishop of *Cassall*, **qui de licentia nostra moram facit in** Anglia, *per biennium duraturas. Teste Rege apud* Westm. 25 *die* Maii, *& duplicatur.*

This Archbishop to supply his occasions, entred into several Recognisances this year to the Bishops of *Coventry* and *Lichfield*, and of *Bath*, two wealthy Prelates, and great Usurers, thus recorded.

Clauſ. 9 E 1. m 2. dorso. Pro Coventrensi & Licheseldensi Episcopo.

DAvid *Cassalensis* Archiepiscopus recognovit se debere *R. Coventrensi* & *Licheseldensi* Episcopo **Centum Marcas,** solvendas eidem in festo Nativitatis Sancti *Johannis Baptistæ* proximo futuro. Et nisi fecerit concessit, **quod dicta pecunia levetur de terris et catallis suis in** *Hibernia.* Et ad dictam pecuniam dicto termino solvendam, invenit plegium *Johannem de Kirkeby*, qui similiter recognovit & concessit, quod nisi prædictus Archiepiscopus solvat dictam pecuniam ad terminum prædictum, quod pecunia illa levetur de terris & catallis suis in Com. *Leycestriæ*, & alibi.

Ibid. m 2. dorso. Pro Cassalensi Archiepiscopo.

DAvid *Cassalensis* Archiepiscopus recognovit se debere *R. Bathonienſi* & *Wellensi* Episcopo **Ducentas Marcas**, unde solvet unam medietatem in festo Sancti *Michaelis* anno, &c. decimo, & aliam medietatem in festo *Paschæ* proximo sequenti.

quenti. Et niſi fecerit conceſſit, **quod dicta pecunia levetur de terris et catallis** *An.* 9 E. 1.
ſuis in *Hibernia*, & alibi. (Such Recogniſances in the Chancery of *England*, then obliging both Lands and Chattels in *Ireland*.)

Et præfatus *Bathonienſis & Wellenſis* Epiſcopus recognovit pro prædicto Archiepiſcopo ſe debere *R. Coventrenſi & Lichefeldenſi* Epiſcopo, prædictas **Ducentas Marcas** ſolvendas ad terminos ſupradictos; & conceſſit, quod niſi idem Archiepiſcopus pecuniam illam dicto *Coventrenſi & Lichefeldenſi* Epiſcopo ſolverit ad eoſdem terminos, quod prædicta pecunia de terris & catallis ipſius Epiſcopi *Bathon.* leverur.

The King likewiſe granted a *Conge deſlier* to elect a new Biſhop, and a Patent to reſtore the Temporalties to another Biſhop elect in *Ireland*, as theſe Records atteſt.

Petrus Capellanus Canonicus *Imelacenſis* nuncians Regi mortem *R.* nuper Epiſcopi ejuſdem loci, habet literas **de licentia eligendi** directas Decano & Capitulo *Imelacenſi*. In cujus, &c. Teſte Rege apud *Ledes* 8 die *Auguſti*. Pat. 9 E. 1. m. 8. intus. Pro licentia eligendi.

REX dilecto & fideli ſuo *Roberto do Vfford* Juſtic. *Hiberniæ*, ſalutem. Cum **electioni nuper factæ** in Eccleſia Cathedrali *Clonenſi*, de diſcreto viro *Gilberto* Decano *Clonenſis* Eccleſiæ **in Epiſcopum ejuſdem loci, Regium aſſenſum adhibuerimus et favorem**: Nos attendentes, quod prædictus Electus circum proſecutionem electionis prædictæ multum laboraret, ſi ea occaſione ad noſtram præſentiam accederet, & volentes ſuis laboribus & expenſis parcere in hac parte; vobis mandamus, quod ſi contingat Electum prædictum in Epiſcopum loci prædicti canonicè confirmari; **tunc recepto ab ipſo Electo nomine noſtro, fidelitate in caſu illo debita**, Temporalia dicti Epiſcopatus eidem liberetis; **acceptis tamen prius literis patentibus ſigillo ſuo, necnon et ſigillo Capituli ſui conſignatis, quod hæc gratia noſtra quam eidem Electo ad præſens ex mera liberalitate noſtra conceſſimus, nobis vel hæredibus noſtris non cedat in præjudicium vel exhæredationem, ſeu trahatur in conſuetudinem vel conſequentiam temporibus futuris.** Teſte Rege apud *Copeford* 27 die *Julii*, anno, &c. nono; & duplicantur. Pat. 9 E. 1. m. 10. intus. Pro electo Clonenſi in Hibernia.

The like Patent verbatim, *mutatis mutandis*, iſſued to * *Robert de Vfford*, of his Royal aſſent, **electioni nuper factæ** *in Eccleſia* Finebren. *de diſcreto viro* Carolo *Decano ejuſdem Eccleſiæ*, **in Epiſcopum ejuſdem loci**; and for taking his Homage, and reſtoring his Temporalties, *&c. Teſte Rege apud* Windeſor. 8 *die* Septembr. * Pat. 9 E. 1. m. 7. intus.

Pope *Nicholas* the 3. deceaſing *Anno* 1280. and Pope * *Martin* the 4. ſucceeding him, he in the firſt year of his Papacy ſent two Freers into *England* to the King, intending to export or return out of *England*, by his Agents and Foreign Merchants, the 6. years Diſmes therein collected and retained for ayd of the Holy Land, granted in the General Council of *Lions*, and convert them to his own private coffers, or other uſes; King *Edward* upon notice thereof, to reſerve the monies for his Brothers expedition to the Holy Land, and ſupply the preſent exigencies for defence of the Kingdom, iſſued this memorable Writ, to prohibit any Merchants or others, under pain of loſſe of life and member, and all their Goods and Chattels, to export or convey the ſaid Diſmes, or any part thereof, out of the Realm, and to impriſon all ſuch who did the contrary, to the Popes great diſappointment. *An.* 10 *E.* 1. * Mat. Weſtm. An. 1280. p. 368. Platina, Balæus, Onuphrius, Laertius Cherubinus, in Martino 4.

REX dilecto conſanguineo & fideli ſuo *Edmundo* Comiti *Cornubiæ*, ſalutem. **Quia quibuſdam certis de cauſis nolumus, quod Decima ſer annorum nuper a Clero regni noſtri in ſubſidium** Terræ Sanctæ **conceſſa, et jam in eodem regno collecta, ad præſens extra idem regnum deferatur. Vobis mandamus, quod venire faciatis coram vobis omnes Mercatores** London. **tam de Societatibus quam alios; et eiſdem injungatis, et ſub periculo amiſſionis vitæ et membrorum, et omnium bonorum ſuorum quæ poſſident in regno noſtro firmiter inhibeatis, ex parte noſtra, ne pecuniam de dicta Decima provenientem nullo modo deferant aut deferri faciant ſeu permittant extra regnum. Et ſi quos Mercatores aut alios pe-** Clauſ. 10 E. 1. m. 4. intus. De Decima extra regnum non deferenda.

cuniam

An. 10 *E.* 1. cuniam de dicta Decima provenientem extra dictum regnum deferre volentes inventri contigerit, tunc ipsos una cum dicta pecunia arrestari, et salvo custodiri faciatis, donec aliud inde a nobis habueritis in mandatis. Teste Rege apud *Hertlebir.* 24 die *Maii.*

Et mandatum est Majori & Vicecomitibus *London.* quod inhibeant, &c. Et si quos pecuniam de dicta Decima provenientem extra dictum regnum deferre volentes inventri contigerit, tunc ipsos arrestari faciant, &c. ut supra.

Item mandatum est *Stephano de Penecestre* custodi Quinque Portuum, quod in eisdem Portubus explorari faciat, si qui ibidem fuerint qui hujusmodi pecuniam extra dictum regnum deferre voluerint. Et si quis talis inventri contigerit, eum arrestari et salvo custodiri faciat, &c. Teste ut supra.

What Letters these two Freers brought from this Pope *Martin* to the King, and their contents, how he received them, and what answer he returned by his own Messengers sent to the Pope concerning the Croysado and general expedition to the Holy Land, this Epistle of the King in answer to the Popes will inform us.

Claus. 10 E. 1. m. 5. dorso. Litera directa Papæ super Cruce assumenda.

Sanctissimo in Christo Patri & Domino, Domino M. *divina providentia Sacrosanctæ* Romanæ *ac* Universalis Ecclesiæ Summo Pontifici; Edwardus, &c. *tum omni reverentia & honore pedum oscula beatorum. Venientes ad præsentiam nostram Fratres* Garnerius & Ramerius *de* Florenc. *Ordinis Prædicatorum, nobis tunc agentibus versus partes exteras regni nostri,* Sacrosanctæ Paternitatis vestræ literas super assumendo salutiferæ Crucis signo, et de consilio nostro de termino passagii generalis et tooneo ab hoc tempore exprimendo, nobis ex parte vestra præsentarunt. *Quas non tam lata manu, quam animo prompto recipientes, & ad eas audiendas & intelligendas depositis seorsum cæteris & diversis curis nostris, tota devotione convertimus mentem nostram.* Et ex eorundem concepto tenore, quasi cujusdam novæ lætitiæ rore perfusi, tanto facti fuimus amplius consolati, quanto clementiam Apostolicam et Sanctam Romanam Ecclesiam matrem nostram, erga personam nostram quam semper devotam reperiet specialioris prærogativa dilectionis et intimioris affectionis visceribus affectam esse evidentioribus indiciis tenor docuit earundem, pro quarum quidem missione gratuita ad pedes Apostolicæ Sanctitatis cum omni humilitate provolvimur, et eidem quantacumque scimus et possumus, non indigne persolvimus laudum præconia, et sicut devoti filii devota adjicimus munera gratiarum. *Ipsos quoque Fratres nuncios vestros quos in eleganti expositione & declaratione commissi sibi nuncii adeo providos & discretos invenimus, quod animum Regium eorum inductiva persuasio nimium confortavit, Regia mansuetudo multimode commendavit, & extollendam ipsorum prudentiam in negotio ipso vehementer acceptavit. Et licet iidem Fratres instanter petierint à nobis quod responsum eis fieri faceremus antequam versus terram* Scotiæ *gressu suos dirigerent, pro quo libenter expectasse, vel ad nos à partibus* Scotiæ *rediisse voluerint;* Nos tamen responsum nostrum per nostros vobis fieri volentes ad vestram sanctam præsentiam mittimus nuncios nostros quibus quoad negotium illud aperuimus lucide mentem nostram; *& qui certum responsum nostrum vestræ pietatis auribus intimabunt. Conservet vos din Dominus Ecclesiæ sanctæ suæ. Dat. apud* Cestriam 10 *die* Junii.

The sum of his Embassy and Message to the Pope was, that his Brother the Earl of *Cornwall* might receive all the monies collected in *England* for ayd of the Holy Land towards his expedition, whom he intended speedily to send thither, since himself could not yet go in person; to which the Pope at present deferred to give any answer, pressing the King himself to go thither in person, as the Popes Epistle to the King in answer thereunto, hereafter cited, informs us.

The King to ingratiate himself and his Messengers with this New Pope, (whom he had exasperated by stopping the exportation of, and seising the 6. years Dismes) gave order for the payment of the 8. years arrears of the annual Pension, so oft demanded; which having satisfied by several payments, his Agents thereupon required an Acquittance from Pope *Martin* the 4. who thereupon sent him this discharge, both entred on the Dorse of the Clause Roll of this year.

MARTINUS

An. 10 E. 1.

Clauſ. 10 E. 1. m. 4. dorſo Literæ Papales de annuo cenſu Mille Marcarum.

MARTINUS *Epiſcopus Servus ſervorum Dei, chariſſimo in Chriſto filio* Edwardo *Regi* Angliæ *illuſtri, ſalutem & Apoſtolicam benedictionem.* Er parte tua fuit propoſitum coram nobis, ut cum de annuo cenſu Mille Marcarum Argenti, in quo Eccleſiæ Romanæ teneris pro octennio jam tranſacto in feſto beati Michaelis de menſe Septembris tunc currente Anno Domini 1277. terminato, ipſi Romanæ Eccleſiæ fuerit pro parte tua per diverſas ſolutiones integre ſatisfactum, de ſatisfactione hujuſmodi a ſede Apoſtolica oppportunas quietationis literas aſſecutas, petebatur a nobis ut providere tibi in hac parte paterna diligentia curaremus. Nos igitur petitioni tuæ utpote juſtæ benignius annuentes, præſentium tenore fatemur de Cenſu hujuſmodi pro præfato Octennio ſore præfatæ Romanæ Eccleſiæ ſatisfactum. Ad tuam ruorumque hæredum cautelam et futuram memoriam præſentes tibi literas concedentes. *Dat. apud* Urbem veterem 3. *Non.* Februarii, *Pontificatus noſtri Anno primo.*

Moreover *Gifredus de Vezano* the Popes Nuncio in *England*, by his ſpecial direction gave and ſealed another Inſtrument in *England* concerning this mony, enrolled with the Popes precedent acquittance.

Clauſ. 10 E. 1. m 4. dorſo

Univerſis præſentes literas inſpecturis Gifredus de Vezano *Canonicus* Cameracenſis *Camera* Domini Papæ Clericus, Apoſtolicæ Sedis in Anglia Nuncius *ſalutem in Domino. Noveritis nos literas Apoſtolicas* vera Bulla et integro filo bullatas recepiſſe *in hæc verba.*

MARTINUS *Epiſcopus Servus ſervorum Dei*, Gifredo *Cameræ noſtra Clerico ſalutem, & Apoſtolicam Benedictionem.* Cum ſuper ſolutione Annui Cenſus mille marcarum ſterlingorum, in quo Chariſſimus in Chriſto filius noſter Rex Angliæ illuſtris pro triennio præterito, et etiam pro inſtanti anno in proximo terminando nobis et Eccleſiæ Romanæ tenetur, tibi noſtro et ipſius Romanæ Eccleſiæ nomine facienda ſub certa forma eundem Regem per noſtras literas requiramus. *Nos de diſcretionis tuæ induſtria plenarie confidentes, faciendi* eidem Regi, noſtro et Eccleſiæ præfatæ nomine refutationem plenariam, de hujuſmodi Cenſu quatuor annorum, poſtquam de illo tibi noſtro et ipſius Eccleſiæ nomine fuerit integre ſatisfactum, plenam tibi authoritate præſentium concedimus facultatem. *Dat. apud* Urbem Veterem 12 *Kal.* Septembris, *Pontificatus noſtri Anno primo.* Cumque Sereniſſimus Princeps Dominus Edwardus Rex Angliæ illuſtris nomine Sanctiſſimi patris Domini Martini Summi Pontificis et Romanæ Eccleſiæ pro annuo cenſu mille Marcarum, in quo idem Rex Summo Pontifici et Eccleſia Romanæ tenetur, quatuor millia Marcarum ſterlingorum per manus Baruntini, Walteri, Richardi Gaudicionis, & Henrici de Podio, *de Societate* Richardorum de Luka, pro quatuor annis in præmiſſis Literis Apoſtolicis comprehenſis et terminatis in feſto Sancti Michaelis proximo præterito, Currente Anno Domini 1281. perſolverit, et recognoſcamus et confiteamur de ipſis quatuor millibus Marcarum nobis eſſe præmiſſo nomine, a dicto Domino Rege per manus dictorum Baruntini Richardi et Henrici, pro ſupradictis quatuor annis integre ſatisfactum. Nos conceſſa nobis per eadem literas Apoſtolicas facultate facimus eidem Domino Regi nomine noſtri Summæ Pontificis et Romanæ Eccleſiæ refutationem plenariam de hujuſmodi Cenſu prædictorum quatuor annorum, de quibus præfatæ literæ Apoſtolicæ faciunt mentionem, et qui in dicto feſto Sancti Michaelis proximo præterito terminati fuiſſe noſcuntur. *In quorum omnium teſtimonium has literas* patentes fecimus, et ſigillo noſtro munivimus. *Et venerabiles patres Domini* Godefridus Wygorn. & Willielmus Norwicen. *Epiſcopi, ac Magiſter* Ardicio *Primicerius* Mediolan. *Domini Papæ Capellanus & in* Angliæ *Nuncius, qui dictas literas Apoſtolicas viderunt*, et recognitioni, ac confeſſioni, necnon refutationi præmiſſis interfuerunt ſua ſigilla præſentibus apponi fecerunt ad majoris roboris firmitatem. *Dat.* London. 6 *Idus* Novembris, *Anno Domini ſupradicto.*

Et memorandum quod iſtæ dnæ Literæ præcedentes liberatæ fuerunt Thomæ de Gunneis *apud* Ceſtriam *die Sabbati prox. ante feſtum Apoſtolorum* Petri & Pauli, *Anno, &c. decimo, per manum* Johannis de Langeton in Garderoba Regis Cuſtodiendæ.

Pope

An. 10 *E.* 1. Pope *Martin* this year sent this Bull to King *Edward* the 1. to require his favour to, and protection of the Monks of the Order of *Cluny*, whose piety he highly extolled.

In Turre London. MARTINUS Episcopus Servus servorum Dei, Charissimo in Christo Filio Regi *Angliæ* Illustri, salutem & Apostolicam benedictionem. Libenter Excellentiæ Regiæ illa suggerimus quæ saluti proficiunt, famam ampliant, statum prosperitate communiunt & conservant. Hæc, fili charissime, non est dubium, ex pietatis operibus provenire; inter quæ non est minimum extimandum Religiosos favorabiliter prosequi, præsertim propulsando eorum injurias, et ipsos in suis juribus defendendo. Quanta vero inter Religiones cæteras *Cluniacen.* Ordo claritate resplendeat, tua Sublimitas non ignorat, propter quod eundem Ordinem Serenitati Regiæ, ut id tibi cedat ad salutis præmium eique ad tutaminis proveniat commodum, redemptoris omnium cujus est ordo ipse, obsequiis deputatis intuitu commendamus. Regalem Celsitudinem obsecrantes in Domino, quatenus eundem Ordinem ac professores ipsius ob divinam reverentiam et Apostolicæ sedis ac nostram habens in charitatis visceribus commendatos ipses in suis opportunitatibus Regii favoris auxilio prosequaris, ut exinde præter humanæ laudis præconium retributionis æternæ consequaris augmentum. Dat. apud *Urbem veterem* Kal. *Februarii*, Pontificatus nostri Anno secundo.

Sir *John Lovetot* Knight (most likely by the Kings connivance, encouragement) apprehended and imprisoned the *Præcentor* and *Treasurer* of the Church of *Lincolne*, for presuming to examine Witnesses in a cause referred to them by the Pope, upon an Appeal and Complaint of the Dean of *Stafford* the Popes Chaplain, touching the Archbishop of *Yorkes* refusal to admit him to the Church of *Adelingflet* to which he was presented by the Countesse of *Glouncester*, the right Patron thereof as was pretended; and suppressing the depositions taken in the cause, which were to be returned by them to the Pope; to the high contempt of his Papal authority, and forcing the Dean to flie out of the Realm and desert the prosecution of his suit. Pope *Martin* thereupon issued this Bull to the Prior of *Tonbridge*, to cite Sir *John* to appear in person before him to answer this high contempt by a certain day within two moneths, (which Bull I found in the *White Tower*) worthy observation, wherein these proceedings are recorded.

In Turre London. MARTINUS *Episcopus Servus servorum Dei, dilecto filio Priori de* Tonebrigge, Roffen. *Dioc. salutem, & Apostolicam benedictionem. Gravem recepimus dilecti filii* Bogonis de Clara *Decani Ecclesiæ de* Stafford. Coventren. *Dioc. Capellani nostri querelam; quod cum dudum in causa, quæ inter ipsum & bonæ memoriæ* Walterum *Archiepiscopum* Eboracen. *super eo, quod idem Archiepiscopus dictum* Bogonem *ad vacantem Ecclesiam de* Adelingflet Eboracen. *Dioc.* (*ad quam idem* Bogo *à dilecta in Christo filia nobili muliere Comitissâ* Glouceſtriæ *verâ patronâ ipsius Ecclesiæ fuerat canonicè præsentatus*) admittere contra justitiam denegaverat; pertebatur ad sedem Apostolicam delata legitime post diversos auditores a sede ipsa in causa deputatos, (*eadem lite coram eorum aliquo legitimè contestata*) *demum receptio & examinatio testium à dicto Capellano nostro producendorum ad causam præfatam pertinentium, dilectis filiis Decano, Præcentori & Thesaurario Ecclesiæ* Lincolnien. *de assensu procuratorum utriusque partis in forma solita*, per literas sedis ejusdem commissæ fuissent; tandem Johannes Lovetot *Miles* Londinen. *Dioc. in tantæ temeritatis excessum prorupit*, quod Decani, Præcentoris, et Thesaurarii jurisdictionem, immo potius Apostolicam in hac parte satagens nequiter impedire, Præcentorem et Thesaurarium prælibatos pro eo, quod ad receptionem et examinationem quorundam de hujusmodi testibus (dicto Decano Lincolnien. se super hoc excusante) processerant, et processum super hoc per eos habitum, quem ob timorem illius nondum perfecerant, transmittendum ad sedem Apostolicam sigillis propriis consignarunt, per Willielmum de Saham Clericum, Johannem de Vallibus, et Rogerum dictum Loveday Milites illarum partium, ausu sacrilego capi fecit, et carcerali custodia aliquandiu detineri; sicque dictus Capellanus noster propter hoc simili terrore perterritus, fuit exire totum regnum Angliæ, ac desistere saltem ad tempus a prosecutio-

secutione causæ hujusmodi, non sine grabi prædictæ Sedis injuria et offensa Justitiæ manifesta, coactus. *Quare pro parte ipsius humiliter petebat à nobis*, ut prohibere super hoc paterna sollicitudine curaremus. Ne igitur tantæ præsumptionis excessus sic remaneat impunitus, aliis in similibus malignari delectantibus transeat in pernitiosum exemplum, Nos cum conniventibus oculis pertransire nolentes, *discretioni tuæ* per apostolica scripta mandamus, *quatenus si per ea, quæ ad te fama vel alio modo jam pervenerunt, vel de novo pervenient, aut per non solemnem indaginem sed per fidelem pervenerunt, de prædictis seu prædictorum excessuum consideratis circumstantiis tibi secundum Deum* videbitur, prædictum Johannem coram nobis personaliter ob præmissa forè citandum, memoratum Johannem ex parte nostra peremptorie citare procures, ut infrà duos menses post citationem suam compareat personaliter coram nobis super præmissis et ea contingentibus, recepturus pro meritis et facturus alias quod Justitia tua debet. Diem vero Citationis per te faciendæ, ac formam, et quicquid de prædictis duxeris faciendum, per tuas literas harum seriem continentes nobis fideliter intimare procures. *Dat. apud* Urbem veterem 11 *Kal.* Junii, *Pontificatus nostri anno secundo.* *An.* 10 *E.* 1

Nota.

What the Prior did thereupon I finde not in History or Record, such Citations out of the Realm, being against the priviledges of the King and Subjects, and little done upon them.

The same year (as [a] *Matthew Westminster*, [b] *Thomas Walsingham*, and [c] others story) Petrus Rex Arragoniæ *vindicans Regnum* Siciliæ (which Popes claimed as the Churches and St. *Peters* patrimony) *jure hæreditario uxoris suæ, subitò cum navigio Regnum* Siciliæ *ingressus*, Carolum *Regem expulit de eodem* (whom the Pope had intruded into it) *die* Ascensionis Domini, *de suis ex insperato multis millibus interfectis*; (or as others, *circiter vesperum* Gallos *omnes ad unum interfecerunt*; *unde adagium* Vesper Siculus.) *Rex* Arragonium *prædicta Regna* Apuliæ, Calabriæ & Siciliæ *pro suis hæredibus jure hæreditario vendicavit, eo quod filiam* Manfredi *de* prædictis regnis per Romanam Ecclesiam spoliati, *duxerat in uxorem.* Carolus *in* Franciam *fugiens, à Rege Nepote suo pro recuperando regno subsidium impetravit.* Papa vero Martinus in Petrum prædictum, et omnes ei faventes, vel ipsum Regem appellantes, excommunicationis tulit sententiam, regno Arragoniæ eum privans, et confirmans illud Carolo filio Regis Francorum. Petrus *verò de* Arragonia, *missis à Regno* Siciliæ *nunciis, petivit, ut quadraginta tantum militibus ad plana* Burdegaliæ *secum tot tantum habente milites, dimicationis veniat ad diem certum, sub certa pœna se ad hoc obligandum, tamen* Carolus *modo se simili obligaret, ut cui in hoc conflictu cessisset victoria, ille sine contradictione regno* Siciliæ *potiretur.* Non obstantibus igitur inhibitionibus Apostolicis, conduxerunt prædicti Reges, *quod pro jure utrorumque ducenti milites demicarent in planitie juxta* Burdegalium, *duorum partibus assignantes*; *Quo die adveniente evanuit conductum prædictorum, quia Rex* Carolus *cum centum millibus occurrit Regi* Arragonum, *cum centum tantum militibus venienti*: Trusting more to his Army, then to the Popes or Church of *Romes* Title, Benediction, or excommunication; then little valued, and much contemned by his adversary King *Peter*. The Pope upon this occasion, when St. *Peters* sword would not prevail against *Peter*, sent this Bull to King *Edward* the 1. (the original whereof I found in the White Tower, and there rescued with sundry others from oblivion) lamenting these Warrs between these Princes, and likewise between [d] *Alphonso* King of *Castile*, his Sonnes and Nobles, (whereof he and his prædecessors were the original authors) and craving his assistance to pacifie the differences between them, for the preservation of the Churches Liberties, and preventing the losse of souls, as being most able to effect it.

a Flores Hist. Anno 1282. p. 371.
b Hist. Angl. An. 1283 p. 10.
c Polyd Virgilius Hist. Angl. l. 1. p. 329. General History of Spaine, p. 411, 412, 419, 420. 421.
d See the General History of Spain, l. 11. p. 415, to 420.

In Turre London.

MARTINUS Episcopus Servus servorum Dei, Charissimo in Christo filio Regi *Angliæ* illustri salutem, & Apostolicam benedictionem. Insurgentis fremitus tempestatis quæ *Castellæ* ac *Legionis, Tolletti, Galleciæ, Siliciæ, Cordubæ, Murciæ* atque *Gehennæ* regna concutit, fratrem in fratrem provocat, filios armat in patrem, subditos in Dominum erigit, vastitati bona, stragi corpora & animas, quod amarius deploramus dispendio salutis exponit, in nostram notitiam diversarum literarum, & famæ præviæ nunciatione deductas, ubi primum auribus nostris insonuit horrorem ingessit, auditui paternum amaricavit animum, & in eo multæ com-

An. 10 *E.* 1. passionis spiritum excitavit. Quis enim absque amaricatione recenseat inter tanta sibi necessitate conjunctos jura sanguinis violari? Quis animo non amaro consideret filios ante diem non tam in patrios annos inquirere; quam finem illorum iniquis aggressibus maturare? Patrem commotum etiam filialis persecutionis injuria in natos arma gerere, ac in eos cogi saltem per defensionis remedium desævire? Quis amarè non ferat germanos odiis se impetere mutuis, & maximè beneficiorum liberalitate præventum in benefactorem insurgere? illius non solum humiliationem, sed sicut fert gravis infamia, dejectionem extremam quærere, apertisque conatibus procurare? Quis non horret subditorum audaciam fidelitatis fœdere violato erectam in Dominum, et ad subversionem Regalis solii aspirare? (And have not many Popes not only not abhorred, but encouraged, yea enjoyned it; and this Pope himself in the case of King *Peter?*) Habet enim communis famæ relatio, quod dilecti filii, Nobiles viri, *Sanctius* aliiq; charissimi in Christo filii nostri *A.* Regis *Castellæ*, ac *Legionis* illustris nati, *Emanuel Germanus*, necnon subditi Regis ejusdem in eum subito insurgentes, et aspirantes ad totalem ejus exheredationem ipsius, officiales quos idem Rex instituerat in suis regnis et terris penitus amovere, instituere alios, et omnia sibi regalia jura subtrahere præsumpserint, eundemque Regem nullum Dominium, nullamque potestatem in prædictis suis regnis et terris habere permittant. Venerabiles quoque fratres nostri Archiepiscopi, Episcopi, et dilecti filii Electi Abbates et Priores, et universi et singuli Ecclesiarum Prælati, ac Prior Hospitalis Jerosolimitan. et Magistri Templi Sancti, Jacobi Calatranen. et Alcanturæ Militiarum, ac Capitula et Conventus, necnon Nobiles viri Comites, Barones, et alii tam Clerici quam Laici per eadem regna constituti, vel eorum aliqui dicuntur fidelitatis debitum quo ipsi Regi tenentur, violasse. (And have not Popes themselves frequently done the like, and stirred up Archbishops, Bishops, Abbots, &c. to do the same against sundry Christian Emperors and Kings?) Hæc dum paterno pensamus affectu, licet tam ad oppressum quàm ad opprimentes compassione multimodè moveamur in dicto Rege, tanquam in perdilecto Ecclesiæ filio, tam gravis oppressionis opprobrium, in opprimentibus vero propriæ saluti obvios abominantes excessus: eidem tamen Regi tanto singulariori caritate compatimur quanto specialius ei vulgaris assistit opinio, eumque communiter prædicat nimis temerarie, nimis inique grabari. Cum itaque ad remedium in his si consonent facta relatibus, celeriter adhibendum propter vitanda præcipue animarum pericula, intensis desideriis intendamus recurrendum, deliberavimus ad excelsum, qui super regnum hominum dominatur, in *cujus manu sunt omnium potestates & jura regnorum, & apud ipsum humilibus supplicationibus insistendum, ut benignius eosdem Regem, natos, Germanum ipsius regna eadem, incolas respiciat, eorundem ab illis dissentiones amoveat, dissidentium corda in concordiæ unitate conciliet, eis tranquillitatem tribuat, ipsosque in illius solliditate consolidet, & confirmet, thronum regalem corroboret, qui sic utiliter præsit ut prosit, cujus regimen sic regat ut dirigat, & cedat subditis ad salutem perpetuam quietem et pacem; Nobisque ipse cujus providentia in sui dispositione non fallitur, modos & vias aperiat per quos hæc ut (in votis gerimus) efficaciter promovere possimus. Quia vero non minoris est meriti contra insidias antiqui hostis exurgere, ne à devotione Dei & universalis Ecclesiæ populos Christianos avertat quam insistere convertendis, Serenitatem Regiam exhortamus, quatenus pensatis prudenter quam sit pernitiosum exemplum quod in prædictis regnis nostritur contigisse, ac clementer attendens quantum Regiam magnitudinem deceat Regi prædicto in tantæ perplexitatis articulo efficaci adesse præsidio, ad prosperum & tranquillum ipsius & regnorum & eorundem statum, prout honori tuo congruere ac alias expedire putaveris, magnitudinem tuæ providentiæ apponas. Ita quod per tuæ studia providentiæ salutaris, Ecclesiastica Libertas, quæ occasione hujusmodi discordiæ in illis partibus infringi posset, illæsa servetur, præfatis regnis pax & tranquillitas, ut desideramus, adveniat, animarum pericula evitantur, ac tibi exinde laudis titulus apud homines, & meritorum accrescat cumulus apud Deum. Dat. apud *Urbem veterem* v. Idus *Augusti*, Pontificatus nostri anno tertio.

*Therefore not in Popes, by his own resolution, who yet presumed to dispose of the kingdoms of Sicily, Aragon, & others.

* Hist. Angliæ p. 10. *Anno* 1282. *viz.* 10 *E.* 1. (as **Thomas Walsingham* stories) Cantuariensis *Archiepiscopus profectus in* Snowdoniam, *Principem* Walliæ (against the Kings will,

as he protested) *& Germanum ſuum ſategit ad pacem reducere; ſed fruſtratus regreſſus ad* Angliam, **Excommunicationis in ipſos ſententiam fulminavit.** Whereof * Sir *Henry Spelman* out of *Pechams* own Regiſter renders us this particular account. *An.* 10 *E.* I.

* Spelmanni Concilia Tom. 2. P. 344, 345.

Proceſſus Domini Johannis *Dei gratia* Cantuarienſis *Archiepiſcopi, habitus in partibus* Walliæ.

Iſti ſunt Articuli intimati Domino *L.* Principi *Walliæ*, & populo ejuſdem loci, ex parte Domini Archiepiſcopi ſupradicti.

Primo, *quia propter ſalutem eorum ſpiritualem & temporalem ad partes iſtas venimus, quos ſemper dilexim us uſque modo, ſicut plures eorum noverunt.*

Secundo, *quia venimus* **contra Domini Regis voluntatem, cui etiam adventus noſter dicitur plurimum diſplicere.**

Tertio, *quia rogamus eos, & ſupplicamus eis pro ſanguine* Jeſu Chriſti, *quatenus venire velint ad unitatem cum gente* Anglorum, *& ad pacem Domini Regis, quam eis intendimus,* **quanto melius poterimus procurare.**

Quarto, *volumus eos ſcire, quod in hiis partibus Domini non poterimus remanere.*

Quinto, *volumus eos attendere, quod poſt receſſum noſtrum non invenient forſitan aliquem, qui ita velit ſua amplecti negotia promovenda, qui vellemus, ſi placeret Altiſſimo, vitâ noſtrâ temporali ipſorum pacem honeſtam & ſtabilem perpetuò procuraſſe.*

Sexto, *quia ſi noſtras partes ſpreverint & labores,* **ſtatim intendimus eorum pertinaciam ſcribere Summo Pontifici, et Curiæ** Romanæ **propter peccata mortalia, quæ multiplicantur occaſione diſcordiæ omni die.**

Septimo, *noverint quod niſi citius ad pacem venerint, aggravabitur eis Bellum, quod non poterunt ſuſtinere, quia crſcit Regia potentia omni die.*

Octavo, **noverint quod regnum** Angliæ **eſt ſub ſpeciali protectione Sedis Apoſtolicæ, et quod** Romana **Curia plus inter regna cætera diligere conſuevit.**

Nono, **quod eadem Curia nullo modo volet permittere ſtatum regni** Angliæ **vacillare, quod ſibi ſpecialibus obſequiis eſt devotum.**

Decimo, *amariſſime plangimus hoc, quod dicitur,* Wallenſes *crudeliores exiſtere Saracenis; quia cum Saraceni capiunt Chriſtianos, eos ſervant pecuniâ redimendos; quos* Wallenſes *captos dicuntur illico jugulare, quia ſolo ſanguine delectentur; immo* ——— *quod eſt deterius, quos permittunt redimi, tradunt, ut dicitur, jugulandos.*

Undecimo, *quod cum conſueverunt, Deum & perſonas Eccleſiaſticas revereri,* **a devotione hujuſmodi videntur multipliciter receſſiſſe,** *qui in tempore ſanctiſſimo in redemptoris injuriam moverunt ſeditionem, homicidia perpetrantes, in quo eos nullus poterit excuſare.*

Duodecimo, *petimus, ut tanquam veri Chriſtiani ad cor redeant pœnitentes, quia cœptam diſcordiam non poſſent diu continuare, etiamſi juraſſent.*

Tertiodecimo, *petimus, ut nobis ſignificent, quibus modis velint & valeant turbationem pacis Regiæ, læſionem Reipublicæ, & alia mala emendare.*

Quartodecimo, *ut ſignificent nobis, qualiter valeat ipſa concordia ſtabiliri; fruſtra enim pax firmari videbitur, quæ tam aſſiduè violatur.*

Quintodecimo, *ut ſi dicunt leges ſuas vel fœdera ex pacto inita non ſervari, ut ſignificent quæ ſint illa.*

Sextodecimo, *noverint, quod etiam poſito quod eis derogatum fuiſſet, quod noſcimus nullo modo licebat eis, quia eſſent Judices in cauſa ſua,* **taliter Majeſtatem Regiam impugnare.**

Septimodecimo, *quod niſi modo pax fiat, procedatur contra eos forſitan ex* **decreto militiæ Sacerdotis et populi convocati.**

Reſponſiones *Lewelini* Principis ad Articulos ſupradictos.

Reverendiſſimo Patri in Domino J. *Dei gratia* Cantuar. *Archiepiſcopo, totius* Angliæ *Primati, ſuus humilis & devotus filius* L. *Princeps* Walliæ, *Dominus* Snaudoniæ, *ſalutem & filialem dilectionem, cum omnimoda reverentia, ſubjectione, & honore. Sanctæ Paternitati veſtræ pro labore vobis quaſi intolerabile, quem aſſumpſiſtis ad præſens; pro dilectione, quam erga nos & noſtram nationem geritis, omni qua poſſumus devotione re-*

An. 10 E. 1. *gratiantes vobis assurgimus; & eò amplius,* quod contra Domini Regis voluntatem veniſtis, *prout nobis intimaſtis. Caterum quod nos rogaſtis,* ut ad pacem Domini Regis veniamus; *ſcire debet veſtra ſanctitas, quod ad hoc prompti ſumus, dummodo idem Dominus Rex pacem debitam & veram nobis & noſtris velit obſervare. Ad hæc licet gauderemus de mora veſtra facienda in* Wallia, *tamen per nos non eritis impediti, quin pax fiat quantum in nobis eſt, quam optamus per veſtram induſtriam magis quàm alicujus alterius roborari; & ſperamus, nec per Dei gratiam erit oportunum propter noſtram pertinaciam aliquid ſcribere* Domino Papæ; *nec veſtras paternas preces ac graves labores ſpernemus, ſed eas amplectimur omni cordis affectu, ut tenemur; nec erit opus quod Dominus Rex aggravet contra nos manum, cum prompti ſumus ſibi obedire, juribus noſtris & legibus nobis, ut præmittatur, reſervatis.* Et licet regnum Angliæ ſit Curiæ Romanæ ſpecialiter ſubjectum et dilectum, tamen cum Dominus Papa, necnon et Curia Romana audierint quanta nobis per Anglicos mala ſunt illata, *videlicet, quod pax prius formata non ſit nobis ſervata nec* ——— deinde Eccleſiarum devaſtationes, combuſtiones, et Eccleſiaſticarum interfectiones, Sacerdotum videlicet et Incluſorum, et Incluſarum, et aliarum Religioſarum perſonarum paſſim mulierum et infantium lugentium ubera, et in ——— portiarum combuſtiones etiam Hoſpitalium et aliarum Domorum Religioſarum, homicidiorum in Cimiteriis, Eccleſiis, et ſuper Altaria, et aliorum ſacrilegiorum et flagitiorum auditu, etiam horribilium auditui Paganorum, *ſicut expreſſius eadem in aliis rotulis conſcripta vobis tranſmittamus inſpicienda. Speramus inprimis, quod veſtra pia & ſancta Paternitas clementer nobis compatietur, necnon & Curia ſupradicta: nec per nos Regnum* Angliæ *vacillabit, dum ut præmiſſum eſt pax debita nobis fiat & ſervetur. Qui vero ſanguinis effuſione delectantur, manifeſtum eſt ex factis; nam* Anglici *hactenus nulli ſexui vel ætati, ſeu langore pepercerunt,* nulli Eccleſiæ vel loco ſacro detulerunt, *qualia vel conſimilia* * ——— *non fecerunt. Super eo autem* ——— *unus redemptus fuit* ——— *multum dolemus, nec occiſorem manutenemus, ſed in ſylvis uti latro vagatur. De eo vero quod inceperunt* ——— *aliqui in tempore indebito illud ignoravimus* ——— *ſanctum, & tamen ipſi aſſerunt, quod in eo tempore hoc feciſſent mortes & captiones eis imminebant, nec audebant in domibus reſidere, nec niſi armati incedere, & ſibi* ——— *tali tempore id fecerunt. De eis vero quæ fecimus contra Dominum, ut veri Chriſtiani per Dei gratiam pœnitebimus, nec erit ex parte noſtra quod Bellum continuetur, dum ſimus indempnes, ut debemus, ne tamen exheredemur & paſſim occidamur, oportet nos defendere, ut valemus. Cum vero injuria & dampna hinc inde conſiderentur & ponderentur, parati ſumus emendare pro viribus quæ ex parte noſtra ſunt commiſſa, dum de prædictis injuriis & dampnis nobis factis & aliis emenda nobis fiat. Et ad pacem firmandam & ſtabiliendam ſimiliter ſumus prompti debitis modis, quia tamen Regales Cartæ & pacta inita nobis non ſervantur, ſicut nec hucuſque ſunt obſervata, non poteſt pax ſtabiliri, nec quia novæ exactiones & inauditæ contra nos & noſtros omni die adinveniuntur, vobis autem tranſm—— in rotulis dampna illata & fœdera niſi quod ſecundum factum pacis* ——— *factam. Quod vero guerravimus, quia neceſſitas nos cogebat, nam nos & omnes* Wallenſes *eramus adeo oppreſſi & ſubpeditati & ſpoliati, & in ſervitutem redacti per Regales Juſtitiarios & Ballivos contra formam pacis & omnem juſtitiam amplius quam ſi Saraceni eſſemus vel Judæi (ſicut credimus,* et ſæpe denuntiabimus Domino Regi) *nec aliquam emendam habere potuimus, ſed ſemper mittebantur Juſticiarii & Ballivi ferociores & crudeliores, & cum illi erant ſaturati per ſuas injuſtas exactiones, alii de novo mittebantur ad populum excoriandum, in tantum quod populus malebat mori quam vivere; hæc oportet militiam ampliorem convocare, vel contra nos moveri* ——— *dum nobis fiat pax & ſervetur modis debitis, ut ſuperius eſt expreſſum; nec debetis, Sancta Pater, omnibus verbis credere noſtrorum Adverſariorum, ſicut enim nos factis oppreſſerunt & opprimunt, ita & verbis diffamant vobis impotentes* ——— *volunt, ipſi enim ſæpe vobis ſunt præſentes, & nos abſentes, niſi oppriimentes, nos oppreſſi &* ——— *fidem eis in omnibus non exhibeatis, ſed iſta potius examinetis. Valeat Sanctitas veſtra ad regimen Eccleſiæ per tempora longa.*

* Saraceni.

*Antiq Eccleſ. Brit. p. 198.

* *Matthew Parker* addes hereto; Johannes *in* Cambriam, *ut ſedaret tumultum,* Rege ipſo (*ut aſſeruit*) inſcio, *receſſit. Hoc bellum à* Leolino Griffini *filio* Walliæ *Principe, frater ſuo* David *inſtigante, necnon ariolis quibuſdam* Cambrenſibus, *qui Principi ſuaſerunt jamjam fore ut* Bruti *diademate* (*prout* Merlinus *quondam vaticinatus*

natus est) *insigniretur*, *totamque* Britanniæ *Insulam solus regeret*, *susceptum est*. *Etsi* Leolinus *ejusque frater* David *scriptis ad* Johannem Cant. *cum in* Cambriam *venisset literis, affirmant se arma sumere, quod contra inita fœdera Regii Justiciarii & Ballivi* Cambros *injuriis non tolerandis toties afficissent, ut mori & in acie perire malint, quam vitam in servitute atque tyrannide molestam ducere. Itaque cum* Johannes *de pace concilianda in* Snowdonia, Cambriæ *provincia, diu sed frustra tractavisset, in* Angliam *rediit*, **Excommunicationisque sententiam** Oxonii (*ut in* Bonifacio *ante diximus*) **in pacis Regiæ violatores latam contra** Leolinum & Davidem **eorumque milites promulgavit.** *Sed antequam in* Cambriam *pedem intulisset, veritus ne vi retineretur, nec redire facile cum vellet posset*, R. Burnell Bathoniensem *Episcopum, quem* (*ut ante diximus*) Cantuarienses *Monachi in Archiepiscopum postularunt, Vicarium suum & Administratorem sua provincia generalem constituit. Et ut* Cambros *aliquo merito devinciret, multos ex ea provincia Clericos indoctos egentes atque peregrinos novo superstitionis modo instituto, in* Angliam *misit. Codices enim Evangeliorum ornatè & curiosè in membranis ligatos singulis dedit, his qui inscitia literarum pronunciare aliquid ex illis non poterant, ut saltem quarundam instar reliquiarum manibus gestarent populoque ostenderent, præcepit. Tum literas ad multos dedit, in quibus rogavit, ut hos* Cambrenses *Clericos Evangelium non ore proferentes, sed digitis bajulantes reciperent, & ad eleemosynas recipiendas circumire permitterent. Illi itaque Codicis Evangelii scripti circumducentes, eos insano & amenti sine doctrina vulgo non sine admiratione & stupore idiomate suo Evangylion, Evangylion clamantes, ostendebant. Qua superstitione* Angliæ *delusa plebs, ignaros & ignotos homines multis donis affecit.* *An.* 10 E. 1.

This Excommunication denounced by the Archbishop against the Rebellious *Welsh* and their Complices who disturbed the peace of the Realm, I finde was made by the Kings Soveraign Ecclesiastical power, and Patent sent to the Archbishop, and likewise to the Archbishops of *York* and *Dublin* for that end, thus recorded to posterity.

REX Archiepiscopo *Cantuariensi* totius *Angliæ* Primati, salutem. Cum nonnulli malefactores *Wallenses* & alii complices & fautores sui, tranquilitati & paci regni nostri invidentes, turbationem quandam in terra nostra *Walliæ* suscitantes pariter & moventes, ibidem depredationes, homicidia, incendia, & alia enormia quamplurima perpetrarint, contra pacem nostram, & de die in diem callidis machinationibus studeant nobis & hominibus fidei nostræ adhærentibus majora damna & pericula pro viribus perpetrare. Nos maliciam & rebellionem hujusmodi malefactorum, quos in Canonem latæ sententiæ ipso facto incidisse (constat) volentes reprimi ut tenemur, paternitatem vestram quam in punitione hujusmodi malefactorum per Claves Ecclesiasticas facienda esse novimus plurimum circumspectam, affectuose requirimus et rogamus, ad maliciam et rebellionem ipsorum celeriter reprimendam, si placet, curam et solicitudinem prout omnes prædecessores vestri fecerunt retrolapsis temporibus, favorabiliter adhibentes; Universis et singulis Suffraganeis vestris vetis, nostri intuitu, secundum quod vestra discretio tranquilitati et paci incolarum regni nostri magis expedire viderit in mandatis, ut ipsi omnes hujusmodi perturbatores pacis, et eorum conspiratores, complices et fautores, ac omnes assensum, consensum, consilium vel auxilium clam vel palam eisdem præbentes in præmissis, per singulas Dioceses suas publice et solemniter denunciari faciant Excommunicatos: Speramus enim quod rebellio et malitia ipsorum, mediante subamine Gladii Spiritualis, qui in hujusmodi casu juvare dinoscitur brachium seculare, facilius reprimetur. Teste Rege apud *Devisis* 28 die *Marcii*, anno, &c. decimo. Rot. Wallix 10 E. 1. m. 10.

Consimiles literæ diriguntur Archiepiscopis *Ebor.* & *Dublin.* Teste ut supra.

The King likewise to preserve the Peace of the Realm, and furnish himself with monies to subdue the Rebellious * *Welshmen*, summoned all the Prelates, Nobles and others who held of him by Knights Service, to assist him with their Horse and Armes against the *Welshmen*; and writ to the Bishop of *Ely* to secure the Peace of that Isle during his absence in *Wales*, and gave Commission to swear all the Inhabitants thereof to keep his Peace; and to all the Archbishops and Bishops to hasten the collection

* See Mat. Westm. & Walsingham Anno 1282. Henry de Knyghton de Event. Angliæ l. 3. c. 1. Mat. Parker Antiq. Eccles. Brit. p. 199. Polydor Virgil Angl. Hist. l. 17. p. 323, 324. Holinshed, Grafton, Speed, Stow, Daniel, in 10 Edw. 1.

An. 10 *E.* 1. collection and payment of the Quindisme then granted to him by them for that War, as *Rotulus Walliæ* Anno 10 *E.* 1. thus at large records.

Rot. Wallix 10 E. 1. m. 7. dorso.

REX Venerabili in Christo Patri *J.* eadem gratia Archiepiscopo *Cantuar.* totius *Angliæ* Primati, salutem. Quia *Wallenses* malefactores, & complices, ac fautores sui Rebelles nostri, paci & tranquillitati regni nostri invidentes, nuper quosdam de fidelibus nostris subito & seditiose interfecerunt, & quosdam cœperunt, & in prisona detinent, & guerram in terra nostra *Walliæ* commoverunt; ac depredationes, homicidia, incendia, & alia enormia perplurima contra pacem nostram in partibus illis nequiter perpetrarunt, ac terras nostras & fidelium nostrorum ibidem de die in diem invadunt, & dampna gravia perpetrare non formidant, **per quod jam exercitum nostrum summoneri fecimus**, quod sit apud *Rochelan.* die Dominica crastino in festo *Petri* ad vincula proximo futuram, ad malitiam & rebellionem dictorum malefactorum & complicium suorum reprimendam. Vobis mandamus, **quod dictis die et loco habeatis servicium vestrum nobis debitum paratum ad proficiscend. nobiscum exinde in expeditionem nostram contra prædictos Wallenses malefactores et complices suos Rebelles nostros.** Et hoc nullo modo omittatis. Teste Rege apud *Wigorn.* 20 die *Maii.*

Sub eadem forma mandatum est Archiepiscopo *Ebor. R. Dunelm.* Episcopo, *R. Carleol. J. Roffen. R. London. R. Coventr.* & *Lichf. G. Lincoln. R. Cicestr. R. Sarum. R. Bathon.* & *Wellen. P. Exon. W. Landaven. T. Hereford. G. Wigorn. W. Norwic. H. Elien. H. Meneven.* & *Assaven.*

Sub eadem forma mandatum est subscriptis Abbatibus, **quod habeant**, *&c.* viz. Abbati de *Thorneye*, Abbati Sancti *Augustini Cantuar.* Abbati Sancti *Albani*, Abbati Sancti *Edmundi*, Abbati *Wesimon.* Abbati de *Cercertes.* Abbati *Glaston.* Abbati de *Hyda Winton.* Abbati de *Abbotesbyr.* Abbati de *Winchecombe*, Abbati de *Shereburn*, Abbati de *Persho*, Abbati de *Evesham*, Abbati Sancti *Benedicti* de *Hulm.* Abbati Sancti *Petri* de *Glouc.* Abbati de *Malmesbyr.* Abbati de *Michelney*, Abbati de *Abbendon.* Abbati de *Corn.* Priori de *Coventr.* Abbatissæ de *Wilton.* Abbatissæ Sanctæ *Mariæ Winton.* Abbatissæ *Shaston.* Abbatissæ de *Berking.*

I pretermit the summons to the Temporal Lords, Knights, and others.

Rot. Wallix 10 E. 1. m. 9. De Insula Elicnf. muniendâ, &c.

REX omnibus Ballivis, &c. Cum ob regni nostri securitatem mandaverimus venerabili Patri *H. Elien.* Episcopo, quod Insulam de *Ely* muniri & salvo custodiri faciat, ne nostri æmuli & malivoli (quicunque fuerint) Insulam illam ingrediantur clam aut potenter, ad pacem nostram in aliquo perturbandam; ob hoc expediat ut de ipsis, qui infra libertatem dicti Episcopi moram faciunt, securitas habeatur de pace nostra in eisdem partibus plenius observanda: Dedimus potestatem dilecto nobis *Hugoni de Cressingham*, **recipere Sacramentum omnium illorum, qui infra dictam libertatem commorantur, de eo, quod in omnibus diligenter et fideliter se habebunt in iis quæ ad conservationem pacis nostræ in Insula prædicta pertinent.** Et ideo vobis mandamus, quod eidem *Hugoni* in hiis, quæ ad hujusmodi Sacramentum recipiendum pertinent, intendentes sitis & respondentes. In cujus, &c. duratur. usque ad Quindenam Sancti *Michaelis* proximo futuram, nisi aliud interim duxerimus inde ordinandam. Teste Rege apud *Glouc.* primo die *Maii.*

* Tho. Walsingham Ypodigm. Neustr. An. 1281. p. 70 Mat. Westm. p. 370. Claus. 10 E. 1. m 7. dorso. De Quintadecima colligenda.

* *His diebus Clerus & populus* primo Quintam Decimam, *& postmodum* Tricesimam bonorum suorum *Regi* Angliæ *concesserunt*, to conquer the *Welsh*-men; hereupon the King issued these Writs to the Archbishop of *Canterbury* and others for the speedy collection thereof, and to Sheriffs to assist them therein.

REX venerabili in Christo patri *J. Cantuar.* Archiepiscopo, totius *Angliæ* Primati, salutem. Quia volumus quod **Quintamdecimam nobis concessam de bonis Cleri** in provinciâ vestrâ colligatur, nos de circumspectione & gratitudine vestra confidentes; Paternitatem vestram **requirimus et rogamus**, quatinus provideri facias de aliquibus viris fidelibus & discretis, qui Quintamdecimam illam in vestra Dioceси ad opus nostrum colligere, adunare, & in tuto loco deponere possint custodiendam, donec aliud inde præceperimus. Ita quod Nos in **proximo Parliamento** nostro de summa Quintædecimæ illius in dicta vestra Dioceси nos distinctè & aperte

apertè reddere poſſitis certiores. Mandamus autem Vicecomiti noſtro *Cantuar.* per breve noſtrum (quod vobis mittimus conſignatum, & cujus Tranſcriptum vobis mittimus præſentibus intercluſum) quod ſi aliquos Quintamdecimam illam ſolvere nolentes, vel ad hoc difficiles ſe reddentes, inveniri contigerit; tunc vobis ad Quintamdecimam illam in dicta Dioceſi levandam, auxilians ſit et conſulens juxta tenorem brevis ejuſdem, quod ei, ſi neceſſe fuerit & expedire videritis, tranſmittetis, & prout vos habere curetis in hac parte, quod nobis exinde grates referre teneamur. Teſte Rege apud *Cirenceſtr.* 27. die *Januarii.* *An.* 10 E. 1.

Conſimiles literæ diriguntur ſingulis Epiſcopis per totam provinciam ejuſdem Archiepiſcopi. Teſte ut ſupra.

Et mandatum eſt ſingulis Vicecomitibus ſingularum Dioceſium Archiepiſcopatus prædicti, quod eiſdem Epiſcopis ad præmiſſa facienda, prout iidem Epiſcopi eis ſcire faciant ex parte Regis, ſi neceſſe fuerit, conſulentes ſint et auxiliantes. Teſte Rege ut ſupra.

After which the King marching with his Army towards *Wales*, iſſued other Writs to the Biſhops and Collectors, to carry the Quindiſm to ſeveral places.

REX venerabili in Chriſto Patri *P. Exon.* Epiſcopo ſalutem. Cum nuper vos rogaverimus, quod de aliquibus hominibus veſtris, de quibus confideretis, qui pecuniam provenientem de quintadecima nobis à Clero conceſſa in veſtro Dioceſi prædicta, una cum collectoribus ejuſdem Quintædecimæ, vel deputandis ab eis conducerent uſque *London.* liberandam ibidem Societati Mercatorum noſtrorum de *Luk.* ſicut *Elyas Toleſan.* Clericus noſter, quem ad vos ea occaſione ſpecialiter tranſmiſimus, vos rogaret ex parte noſtra; & jam intellexerimus, quod pecunia illa (licet ut credimus ſit collecta) uſque *London.* nondum tranſmiſſa eſt, de quo quamplurimum admiramur; Paternitatem veſtram requirimus et rogamus, quatenus dictam pecuniam & arreragia ejuſdem ſine ulteriori dilatione per aliquos de hominibus veſtris, una cum collectoribus prædictis quibus ſimiliter ſuper hoc ſcripſimus, vel ſaltem per unum ex eis uſque *London.* conduci facias per viſum & teſtimonium dicti Clerici noſtri, quem ad vos ob hoc mittimus iterato, Mercatoribus prædictis ibidem liberandam, ut prædictum eſt. Et hoc ſicut de vobis confidimus nullo modo omittatis. Mandavimus autem Collectoribus prædictis, quod pecuniam illam ſumptibus noſtris & per viſum ejuſdem Clerici, ibidem faciant cariari. Teſte Rege apud *Rotheland.* xviii die *Octobris.* Rot. Wallix 10 E. 2. m. 5. dorſo.

Conſimiles literæ diriguntur *J. Cantuar.* Archiepiſcopo, vel ejus Offic. *R. Bathon.* & *Wellen.* Epiſcopo, vel ejus Offic. *R. London* Epiſcopo, *R. Sarum* Epiſcopo, *J. Roff.* Epiſcopo.

REX Collectoribus Quintædecimæ in Archiepiſcopatu *Cantuar.* ſalutem. Meminimus nos alias vos rogaſſe, quod Quintam decimam nobis à Clero conceſſam in Archiepiſcopatu prædicto colligi & adunari, & uſque *London.* ſumptibus noſtris cariari faceretis, ibidem liberandam Societati Mercatorum noſtrorum de *Luk*, per viſum & teſtimonium *Eliæ Toloſan.* Clerici noſtri, quem ad vos ea occaſione ſpecialiter tranſmiſimus illa vice. Verum quia pecuniam illam *London.* (ut prædictum eſt) nondum cariari feciſtis, (de quo miramur) prædictum Clericum noſtrum ad vos iterato duximus tranſmittendum. Vos rogantes, ſicut aliàs rogavimus, quod omnia arreragia ejuſdem Quintædecimæ ſine ulteriori dilatione *London.* cariari faciatis in formâ prædictâ, prout dictus Clericus noſter vobis ſcire fac. ex parte noſtra. Et hoc nullo modo omittatis. Rogamus autem loci Diocelanum, quod vobis ad hoc ſalvum & ſecurum Conductum habere faciat, & quod hoc ſicut de eo confidimus non omittat. Mandavimus etiam Mercatoribus noſtris prædictis, quod literas ſuas patentes vobis fieri faciant ſummam receptionis dictæ pecuniæ teſtificantes. Teſte Rege ut ſupra. Ibidem.

Conſimiles literæ diriguntur Collectoribus Quintædecimæ in Epiſcopatibus prædictis.

REX Epiſcopo *Ciceſtr.* ſalutem. Pluries vos rogaſſe meminimus, quod totam pecuniam provenientem de Quintadecima in Dioceſi veſtra per Collectores veſtros Ibidem.

An. 10 *E.* 1. vestros ejusdem Quintædecimæ usque *London.* cariari faceretis, ibidem *Bouromeno* & sociis suis Mercatoribus de *Luk.* liberandam, & quod conductum eisdem Collectoribus habere faceretis, prout dilectus Clericus noster *Eljas Tolesan.* quem tunc ea occasione ad vos misimus, vobis diceret ex parte nostra. Et quia Collectores prædicti quasdam excusationes minus sufficientes prætendentes, pecuniam illam usque locum prædictum cariare distulerunt, in nostri dampnum manifestum; Paternitatem vestram iteratò attentè requirimus et rogamus, quatenus Collectoribus prædictis præcipiatis, quod pecuniam illam sumptibus nostris usque *London.* duci faciant cum omni festinatione, prout præfatus Clericus eis dicet ex parte nostra, ita quod dampnum inde ulterius non incurramus. Teste Rege ut supra.

Ibidem. REX Magistro *Rogero de la Grave* & sociis suis Collectoribus Quintædecimæ in Episcopatu *Citestren.* salutem. Cum pluries vos rogaverimus, quod totam pecuniam provenientem de Quintadecima in Episcopatu prædicto sine dilatione colligi, & usque *London.* deferri faceretis, Societati Mercatorum nostrorum de *Luk* ibidem liberandam, prout dilectus Clericus noster *Elias Tolesan.* vobis scire faceret ex parte nostrâ; & vos quasdam Excusationes minus sufficientes prætendentes pecuniam illam usque locum prædictum cariari facere distuleritis in nostri dampnum manifestum; de quo miramur & movemur. Vos iterato requirimus et rogamus, quod totam pecuniam prædictam, cum omni festinatione, qua fieri poterit, & arreragia ejusdem usque locum prædictum sumptibus nostris deferri faciatis, sicut prædictum est, & prout venerabilis pater *S. Ciceſtren.* Episcopus (cui super hoc scripsimus) & præfatus Clericus noster vobis scire fac. ex parte nostra. Et hoc nullatenus omittatis, sicut diligitis nostrum commodum & honorem. Mandavimus autem Mercatoribus nostris prædictis, quod literas suas patentes vobis fieri faciant, summam receptionis prædictæ pecuniæ testificantes. Teste Rege ut supra.

Ibidem. REX *R. Bathon.* & *Wellen.* Episcopo, salutem. Cum nuper vos rogaverimus quod provideri faceretis de aliquibus vestris fidelibus & discretis, qui Quintamdecimam nobis concessam a Clero in vestra Dioceſi ad opus nostrum colligere & adunare, ac in tuto loco deponere possent custodiendam, donec aliud inde præceperimus, & jam ad quædam negotia nostra instantia expediendâ pecunia plurimum indigeamus; Paternitatem vestram affectuosè requirimus et rogamus, quatenus Collectoribus ad hoc deputatis a vobis per literas vestras sine dilatione præcipiendo dare velitis in mandatis, quod totam pecuniam provenientem de Quintadecimâ vestræ Dioceſis, quæ jam collecta est ibidem, sub omni festinatione transmitti faciant usque *Malmesbiry*, prout eisdem Collectoribus similiter mandamus, ibidem deponendam per visum & testimonium dilecti Clerici nostri Magistri *Henrici Huse*, quem ad dictam Dioceſin ea occasione specialiter duximus transmittendum. Paternitatem vestram insuper requirimus et roganus, quatenus provideri faciatis de aliquibus de hominibus vestris, de quibus confiditis, qui pecuniam illam una cum ipsis Collectoribus vel deputandis ab eis, & cum prædicto Clerico nostro usque *Malmesbiry* salvo & secure conducere, & ibidem disponere possint (ut prædictum est) prout dilectus Clericus noster (cui credatis, si placet, in præmissis) vos rogabit ex parte nostra. Et hoc, sicut de vobis specialiter confidimus, nullatenus omittatis. Teste Rege apud *Glouc.* secundo die *Maii*, & fuerunt Claus.

Consimiles literæ diriguntur de verbo ad verbum Episcopis *Exon.* & *Sarum.* de Quintadecima Episcopatuum illorum ad eundem locum sub testimonio ejusdem Clerici, ibidem deponendâ.

Et quia Rex ad quædam negotia sua instantia expedienda pecunia plurimum indeget ad præsens, Rex rogat Collectores prædictorum Episcopatuum, quod totam pecuniam provenientem de Quintadecima Episcopatuum illorum per eos collectam, sub omni festinatione transmitti faciant sumptibus Regis usque *Malmesbiry*, ibidem deponendam & custodiendam, per visum & testimonium prædicti Clerici Regis quem Rex ad præfatos Episcopos & Collectores prædictos ea occasione specialiter duxerit transmittendam, & cui in præmissis adhibeant plenam fidem; & ea faciant, quæ eis inde dicet ex parte Regis. Et Rex rogavit præfatos Episcopos, quod de aliquibus hominibus suis, de quibus confidunt, provideri faciant, qui pecuniam illam una cum Collectoribus vel cum deputandis ab eis, & cum præfato Clerico Regis, usque

Malmesbiry

Malmesbury ſalvo & ſecurè conducere, & ibidem deponere poſſint cuſtodiendam; prout idem Clericus præfato Epiſcopo & Collectoribus dicet ex parte Regis. Et Rex injunxit eidem Clerico, quod cum Collectores pecuniam illam ſic deponi fecerint, literas ipſius patentes Collectoribus habere fac. ſummam pecuniæ ſic depoſitæ teſtificantes. Et fuerunt patentes. *An.* 10 E. 1

Conſimiles literæ diriguntur Archiepiſcopo *Cantuarien.* Epiſcopis *Roffen. Ciceſtr.* & *London.* de præcipiendo Collectoribus Quintædecimæ eorundem Epiſcopatuum, quod mittant Quintamdecimam jam collectam in Epiſcopatibus illis uſque *London.* per viſum & teſtimonium *Nicholai de Clare*, quem Rex ad Epiſcopatus illos ea occaſione ſpecialiter tranſmittit, ſocietati Mercatorum de *Luk.* ibidem liberandam; & quod Quintamdecimam illam ibidem conduci faciant, ut ſupra. Teſte ut ſupra.

*Mandatum eſt etiam (ut ſupra) Collectoribus Quintædecimæ in Epiſcopatibus illis, quod Quintamdecimam illam per viſum, &c. prædicti *Nicholai* uſque *London.* tranſmittant, ſocietate prædictorum Mercatorum liberandam; & quod iidem Mercatores literas ſuas patentes eiſdem Collectoribus habere faciant, ſummam ejuſdem liberationis teſtificantes. Teſte ut ſupra. * Rot. Walliæ 10 E. 1. m. 8.

Conſimiles literæ (ut ſupra) diriguntur Epiſcopis *Norwic.* & *Elien.* de præcipiendo Collectoribus Quintamdecimam in Epiſcopatibus illis, quod Quintamdecimam illam per viſum, &c. *Thomæ de Wynndham* uſque *London.* tranſmittant, ſocietati Mercatorum prædictorum liberandam; & quod iidem Mercatores literas ſuas patentes eiſdem Collectoribus habere faciant, ſummam ejuſdem liberationis teſtificantes. Teſte ut ſupra.

Mandatum eſt etiam (ut ſupra) Collectoribus Quintædecimæ in Epiſcopatibus illis, quod Quintamdecimam illam per viſum, &c. præfati *Thomæ* uſque *London.* tranſmittant, ſocietati prædictorum Mercatorum liberandam; & quod iidem Mercatores literas ſuas patentes eiſdem Collectoribus habere faciant, ſummam ejuſdem liberationis teſtificantes. Teſte ut ſupra.

Eodem modo ſcribitur Archiepiſcopo *Eborum*, Epiſcopo *Karl.* & Epiſcopo *Dunolm.* vel ejus vices gerenti, per unum breve, ut ſupra. Et Collectoribus Quintædecimæ in Archiepiſcopatu & Epiſcopatibus prædictis, de mittendo Quintamdecimam Epiſcopatuum illorum uſque Caſtrum *Nottingham*, Conſtabul. Caſtri prædicti liberandam per viſum, &c. *Willielmi de Beverlaco*; quem Rex, &c. ad Archiepiſcopatum & Epiſcopatus illos ea occaſione, &c. per ordinationem Magiſtri *Henrici de Newark.*

Et mandatum eſt *Richardo de Charrum*, quod Quintamdecimam Epiſcopatus *Dunolm.* per homines Epiſcopi conduci facere, &c. uſque *Nottingham*, &c. ut ſupra; & Conſtabulario Caſtri prædicti quod eam recipiat. Teſte ut ſupra.

Eodem modo ſcribitur *Lincolnienſi* Epiſcopo per unum breve, ut ſupra, & Collectoribus Epiſcopatus illius per aliud breve, ut ſupra, de mittendo Quintamdecimam Epiſcopatus illius uſque *Lichefeld.* Theſaurario *Lich.* liberandam per viſum Magiſtri *Adæ de Botindon*; quem Rex, &c. ut ſupra, & cuſtodiendam donec Rex inde aliud præceperit.

Eodem modo ſcribitur *Coventren.* & *Lichfeld.* Epiſcopo per unum breve, & Collectoribus per aliud breve, ut ſupra, de Quintadecima ejuſdem Epiſcopatus mittenda uſque *Ceſtriam*, ibidem in Garderoba Regis liberanda; Teſte ut ſupra.

Eodem modo ſcribitur Epiſcopo *Wigorn.* per unum breve, & Collectoribus, &c. per aliud breve, ut ſupra, de mittendo Quintamdecimam Epiſcopatus illius uſque *Wigorn.* in Garderoba Regis ibidem liberandam. Teſte ut ſupra.

Eodem modo ſcribitur Epiſcopo *Meneven.* per unum breve, & Collectoribus, &c. per aliud breve, ut ſupra, de mittendo Quintamdecimam Epiſcopatus illius uſque *Kermerdin.* ibidem in tuto loco deponendam, donec Rex aliud inde præceperit. Teſte ut ſupra.

Eodem modo ſcribitur *Landaven.* Epiſcopo per unum breve, & Collectoribus, &c. per aliud breve, ut ſupra, de mittendo Quintamdecimam Epiſcopatus illius uſque *Kermerdin.* ibidem in tuto loco deponendam, donec Rex aliud inde mandaverit. Teſte ut ſupra.

Eodem modo ſcribitur *Hereford.* Epiſcopo, vel ejus locum tenenti, per unum breve, & Collectoribus, &c. per aliud breve, ut ſupra, de mittendo Quintamdecimam Epiſcopatus illius uſque *Wigorniam* in Garderoba Regis ibidem liberandam. Teſte ut ſupra,

An. 10 *E.* 1. Et memorandum, quod ad Episcopatus *Wigorn. Meneven. Landaven.* & *Hereford.* non mittebatur aliquis Clericus per cujus visum Quintadecima Episcopatuum illorum mitti debuit.

Eodem modo ut in prima forma scribitur Magistro *Ada Hales*, custodi spiritualitatis Episcopatus *Winton.* sede vacante, per unum breve, & Collectoribus, &c. per aliud breve, ut supra, de mittendo Quintamdecimam Episcopatus illius usque *London.* Mercatoribus de societate de *Luk.* liberandam, per visum & testimonium *Johannis de Arundell* & Vicecomitis *Surht.* & quod iidem Mercatores literas suas patentes eisdem Collectoribus habere faciant, summam ejusdem liberationis testificantes. Teste ut supra.

Omnes prædicti Clerici habeat literas Regis de conductu, durat. ad festum Sancti *Michaelis*; videlicet, quilibet eorum per se.

The King likewise writ to several rich Abbots to borrow several sums of money upon this occasion, which they out of courtesie promised to lend him.

Rot. Wallix 10 E. 1. m. 9. dorso.

MIttatur pro **Ducentis Parcis** ad Abbates de *Neusom* & Abbatem de *Lavenden.* quod eas mittant usque *Wigorn.* in Quindena Sanctæ *Trinitatis*, vel ubicunque fuerint, quæ sunt in custodia eorundem Abbatum, **quas promiserunt ex Curialitate.**

The King notwithstanding his great want of Corne, Victuals, and Carriages for himself and his Army during this War, yet granted these Protections from Purveyance to sundry Religious Houses, according to the Statute of *Westm.* 1. cap. 1.

Rot. Walliæ 10 E. 1. m. 8. Pro Prioriſſa de Westwode, ne blada capiantur, &c.

REX omnibus Ballivis, Clericis, & Ministris suis, ad quos, &c. salutem. Licet nos Magnates & cæteri fideles nostri, nobiscum in exercitu nostro *Walliæ* existentes, Bladis, Victualibus, & Cariagio non modicum ad exercitum prædictum indigeamus. Nolumus tamen quod aliquod de bladis seu rebus aliis dilectæ nobis in Christo Prioriſſæ de *Westwode*, ordinis *Fontis Ebraudi*, quibuscunque seu etiam Cariagium aliquod ad opus nostrum vel alicujus alterius ab ipsa capiatur contra voluntatem suam. Et ideo vobis mandamus, quod de bladis aut aliis bonis & catallis ipsius Prioriſſæ, aut etiam Cariagium aliquod ab ipsa ad opus nostrum vel alterius, sicut prædictum est, sine licentia & voluntate sua, nullatenus capiatis. In cujus, &c. duratur, usque ad festum Nativitatis Domini proximo futurum. Teste Rege apud *Wigorn.* 21 die *Maii.*

Consimiles literæ, ut supra verbatim, pro Abbate & Conventu de *Cumbe*; Teste Rege apud *Hertlebir.* 24 die *Maii.*

The Abbot of St. *Werburge* having furnished the King in his expedition to *Wales* with Men and Carriages, the King granted him this Patent for his future indempnity, that it should not infringe his Charters and Priviledges for time to come.

Pat. 10 E. 1. m. 9. Pro Abbate S. Wereburgæ Cestr.

REX omnibus ad quos, &c. salutem. Licet dilectus nobis in Christo Abbas Sanctæ *Wereburgæ Cestriæ* de hominibus, equis, & carectis suis ad diversa negotia nostra in præsenti expeditione nostra *Wall.* facienda, nobis **liberaliter** subvenerit. Nolumus etiam, quod liberalitas hujusmodi ad consequentiam vel consuetudinem per nos vel Hæredes aut Ballivos nostros in posterum trahi possit, vel quod occasione dictæ subventionis gratuitæ præfato Abbati vel successoribus aut hominibus suis præjudicium futuris temporibus aliquatenus generetur. In cujus, &c. Teste Rege apud *Cestr.* 26 die *Junii.*

The King in pursuance and observation of the Statute of *Westm.* 1. cap. 1. made for the ease and benefit of the Clergy, and Religious Houses, issued this Writ to and for the Abbot of *Gerewedon*, upon his complaint and motion for it.

Pat 10 E. 1. m 9. Pro Abbate de Gerewedon.

REX omnibus, &c. salutem. Cum in primo generali Parliamento nostro post Coronationem nostram in crastino Octab. Pasch. anno regni nostri tertio, de voluntate nostra, & Consiliariorum nostrorum consilio, & de consensu Communitatis

nitatis regni noſtri ibidem convocatorum, **ad honorem Dei, et utilitatem Eccleſiæ ſuæ ſanctæ, et meliorationem dicti regni noſtri ordinaverimus et ſtatuerimus,** *quod nullus veniat manducare, hoſpitari, vel jacere in domo Religionis, quæ non ſit de ſua advocatione ad cuſtus domus, niſi prius rogatus fuerit & requiſitus à Domino domus, præter Vicecomites, qui venire poterunt cum quinque vel ſex equis tantum; ita tamen quod non gravent Religioſos ſuis crebris adventibus vel pernoctationibus in Domibus vel Maneriis eorundem, &c.* as in the forecited Statute of 3 *E.* 1. c. 1. recited at large. Præcipimus inſuper poſtmodum, *quod nullus Religioſus nec alius pro debito Regio, nec alterius, per animalia, quæ terram ſuam excolunt, nec per oves ſuas diſtringatur, dum diſtrictio alterius rei ſufficiens debito vel demandæ poſſit inveniri, excepto imparcamento animalium, quando ea in dampno alieno contingerit inveniri ſecundum conſuetudinem & legem terræ. Et quod diſtrictiones nimiæ ſive ſuperfluæ minime fiant, ſed ſecundum bonum valorem per æſtimationem rationabilem ad quantitatem debiti vel demandæ:* **Vobis inhibemus, ne contra tenorem dictorum Statutorum noſtrorum domum de** Gerewedon Ciſtercien. **ordinis moleſtetis in aliquo indebite vel gravetis.** Nolumus autem, quod Abbates ejuſdem loci qui pro tempore fuerint, **contra tenorem eorundem ſtatutorum in aliquo venire præſumant.** In cujus, &c. Teſte Rege apud *Ceſtr.* 22 die *Junii.* *An.* 10 *E.* 1.

He likewiſe confirmed the antient Liberties of the Prioreſſe and Nuns of *Cheſter*, and diſcharged one of their Churches from payment of the Quindiſme then granted in Parliament, by theſe Patents.

REX Juſticiario ſuo *Ceſtriæ*, ſalutem. Cum dilectæ nobis in Chriſto Prioriſſæ & Moniales *Ceſtriæ* per Chartas prædeceſſorum noſtrorum diverſas libertates & jura habere clament; **Nos nolentes libertatibus vel juribus ſuis hujuſmodi aliquatenus derogari:** Vobis mandamus, quod Prioriſſam ipſam & Moniales in libertatibus & juribus ſuis omnimodis, quibus per Chartas prædictas rationabiliter uſæ ſunt, manuteneatis, protegatis, & defendatis; non inferentes eis, vel inferri permittentes injuriam vel moleſtiam aliquam, contra tenorem Chartarum prædictarum. In cujus, &c. Teſte Rege apud *Ceſtr.* 21 die *Junii.* Pat. 10 E. 1. m. 9. Pro Prioriſſa & Monialibus Ceſtr.

REX omnibus, &c. ſalutem. Sciatis, quod pardonavimus dilectis nobis in Chriſto Prioriſſæ *Ceſtriæ*, **et ejuſdem loci Monialibus, Quintamdecimam** ipſas ratione Eccleſiæ ſuæ de *Overe* contingentem. In cujus, &c. Teſte Rege apud *Rothelan.* 27 die *Julii.* Ibid. m. 8. Pro Monialibus Ceſtriæ.

Some Regrators and Officers of the King hindring the Freers Minors to buy Victuals in the Town or County of *Stafford* for their neceſſary ſuſtenance, (during the expedition in *Wales*) the King upon their complaint iſſued this Precept for their relief therein.

REX omnibus, &c. ſalutem. Cum quidam **Regratarii** in Villa & Comitatu *Stafford.* ſe per quoſdam miniſtros noſtros advocantes, dilectos nobis in Chriſto Fratres Minores *Stafford.* de die in diem malitioſe impediunt, quo minus victualia cotidiana, cum indiguerint ad opus ſuum per Procuratores & alios amicos ſuos ibidem emere poſſint; & quandoque empta à manibus eorum extrahant, **ſicut ex ipſorum Fratrum gravi querela accepimus:** Nos eorundem Fratrum indempnitati in hac parte provideri, & malitiæ hujuſmodi obviari cupientes, dedimus licentiam eiſdem Fratribus emendi ſibi victualia per Procuratores & alios amicos ſuos, quociens neceſſe fuerit, in partibus prædictis, **ſine impedimento noſtri, vel miniſtrorum noſtrorum, aut aliorum quorumcunque.** Et ideo vobis mandamus, quod eiſdem Fratribus, ſeu eorum Procuratoribus, aut aliis amicis ſuis, contra hujuſmodi conceſſionem noſtram non inferatis vel inferri permittatis injuriam, &c. Et ſi quid, &c. In cujus, &c. per unum annum duratur. Teſte Rege apud *Weſtm.* 13 die *Junii.* Pat. 10 E. 1. m. 10. Pro Fratribus Minoribus Staff.

The King this year ſeiſed the Temporalties of the Biſhop of *London*, for a Treſpaſs againſt him, notwithſtanding his Rochet, as this Writ informs us.

An. 10 *E.* I.

Pat. 10 E. 1. m. 10. De terris Episcopi London. cap. in manum Regis.

REX omnibus Ballivis, &c. salutem. Sciatis quod assignavimus dilectum & fidelem nostrum *Philippum de Wileby*, ad omnes terras & tenementa Episcopi *London.* cap. in manum nostram, et inde faciend. prout ei injunximus occasione cujusdam transgressionis enormis nobis per ipsum Episcopum factam. In cujus, &c. Teste Rege apud *Dynbegh* 30 die *Octobris*.

Thomas de Cantilupo Bishop of *Hereford* having business to *Rome*, procured this license and protection from the King during his journey thither.

Pat. 10 E. 1. m. 18. De Protectione.

THomas *Hereford.* Episcopus, qui de licentia Regis profecturus est ad Curiam Romanam, habet literas Regis de protectione patentes, duraturas usque ad festum Sancti *Michaelis* proximo futuro, & ab eodem festo usque ad unum annum proximo sequentem completum, cum hac clausa. Volumus etiam, &c. Præsent. &c. Teste Rege apud *Shireburne* 17 die *Februarii*.

The cause of this Bishops going to the *Roman* Court, was to defend the Rights and Customs of his Church against the Archbishop of *Canterburies* Usurpations, who dyed in his way thither; * Thomas de Cantilupo, qui pro causa Ecclesiæ suæ, *ut dicitur*, quam contra Fratrem Johannem de Peckham, *de ordine Fratrum Minorum Archiepiscopum* Cantuariensem, defendere proponebat, *in partibus obiit transmarinis, cujus ossa in Ecclesia supradicta fuerunt tradita sepulturæ.* *Robert Kilwardby* the last Archbishop of *Canterbury*, formerly his Confessor, as * *Walsingham* stories, publickly averred, *in commendatione ejus* nullius ipsum mortalis criminis unquam sensisse contagium. *Quantique meriti fuit apud Deum crebrescentium ad sepulchrum ejus miracula cum gloria, indubitata fide demonstravit; ita quod infra breve temporis spacium centum & sexaginta miracula pro illo fieri Deus voluit*; for which he was canonized a Roman Saint, which shews his opposer Archbishop *Peckham* was none. *Post quem ad Ecclesiam* Herefordensem *electus & consecratus est* (by the Kings license and assent) *Magister* Richardus de Swynefeld, *sacræ Theologiæ doctor, vir jucundus in verbis, & egregius prædicator.*

* Mat. Westm. An. 1287. p. 374.

* Hist. Angliæ p. 11. Godwins Catalogue, p. 376. Jo. Balæus Scriptor. Brit. Cent. 4. c. 64.

Upon the tydings of his death, the King seised and committed not only his Temporalties, but Goods and Chattels; yet upon his Executors putting in security to satisfie all Debts due by him to the King, his Goods and Chattels were restored to them to perform his Will, as these two Records assure us.

Fines 10 E. 1. m. 5. De Episcopatu Hereford. commisso.

REX commisit *Waltero de Rudmerlegh* Episcopatum *Hereford.* cum pertinentiis, vacantem per mortem Magistri *Thomæ de Cantilupo* nuper Episcopi ejusdem loci, & in manu Regis existentem, custodiendum quamdiu Rex placuerit: Ita quod de Exitibus inde provenientibus à die mortis præfati Episcopi, Regi respondeat ad Scaccarium Regis. Teste Rege apud *Rochel.* 8 die *Octobris*.

Ibid. m. 4. Pro Executoribus Testamenti Hereford. Episcopi.

MAndatum est *Waltero de Rudmerlegh* custodi Episcopatus *Hereford.* quod accepta sufficiente securitate à Magistro *Willielmo de Monte forti* & Coexecutoribus suis Testamenti *Th. Hereforden.* Episcopi nuper defuncti, de omnibus debitis in quibus Regi tenebatur ad Scaccarium Regis Regi reddendis, eidem Magistro *Willielmo* & Coexecutoribus suis prædictis, de omnibus bonis & catallis, quæ fuerunt prædicti Episcopi die quo obiit, & quæ occasione mortis ejusdem captæ sunt in manum Regis; & sunt in custodia dicti *Walteri*, plenam administrationem habere fac. ad executionem Testamenti dicti defuncti inde faciendam. Teste Rege apud *Dynbey* 24 die *Octobris*.

The Bishoprick of *Winton* being void by the death of *Nicholas de Ely*, the Monks by the Kings license elected *Richard Moore* for their Bishop; but the Pope (who about this time began to bestow most Bishopricks by his Provisions on whom he pleased.) hoc anno cassato electo *Wintoniensi Richardo de Mora*, et dono Curiæ Romanæ, (as * *Thomas Walsingham* informs us) Magister *Johannes de Pontissa* in ejusdem Ecclesiæ Episcopum consecratur. The King notwithstanding this Papal Usurpation, at his request was content to restore the Temporalties to him, so as he bought

* Hist. Angliæ An. 1283. p. 11. Godwins Catalogue of Bishops, p. 178.

bought all the corn and ſtock of the Biſhoprick which the King had ſeiſed into his hands, at their full price, as theſe Records inform us. *An.* 10 *E.* 1.

REX Militibus, liberis hominibus, & omnibus aliis tenentibus de Epiſcopatu *Winton.* ſalutem. Sciatis, **quod cum Dominus Papa Epiſcopatum prædictum venerabili patri Magiſtro** Johanni de Pontoys **contulerit, ſicut per literas patentes ipſius Domini Papæ nobis inde directas plenius intelleximus: Nos collationem illam acceptantes cepimus fidelitatem ipſius** Johannis, **et Temporalia Epiſcopatus prædicti reddidimus eidem.** Et ideo vobis mandamus, quod eidem *Johanni* tanquam Epiſcopo & Domino veſtro in omnibus quæ ad Epiſcopatum prædictum pertinent, intendentes ſitis & reſpondentes. In cujus, &c. Teſte Rege apud *Rochelan.* 11 die *Auguſti.* Pat. 10 E. 1. m. 6. De Temporalibus Epiſcopatus Winton reſtit.

MAndatum eſt *Willielmo de Sancta Clara* & *Willielmo de Hamelton* Cuſtodibus Epiſcopus *Winton.* quod omnia blada & fructus ad Epiſcopatum prædictum pertinentes, qui ſunt in manu Regis, & in Cuſtodia prædictorum *Willielmi* & *Willielmi*, una cum Affris & alio inſtauro Regis, quod eſt de emptione Regis ibidem; facta inde legali appreciatione venerabili patri J. nunc Wynton. Epiſcopo vendant pro juſto precio, et prout ad opus Regis magis viderint expedire. Ita quod Regi inde poſſit reſpondere. Teſte Rege apud *Rochelan.* 11 die *Aprilis.* Fines An. 10 E. 1. m. 8. De Bladis Epiſcopo Winton. vendend.

MAndatum eſt *Willielmo de Sancto Claro*, & *Willielmo de Hamelton*, quod totum inſtaurum de Bidentibus, Bobus, Affris, et aliud inſtaur. pertinens ad Epiſcopatum Winton. quod receperunt tempore quo Rex cuſtodiam Epiſcopatus prædicti eis commiſit, venerabili Patri *J.* nunc Epiſcopum *Winton.* liberent, prout alias in conſimili fieri conſueverit. Teſte Rege apud *Rothelan.* undecimo die *Auguſti.* Pro Epiſcopo Winton de inſtaur.

How the King now and then during the vacancy of Biſhopricks diſpoſed of ſome of their ſtocks to others, this Writ will inform us.

MAndatum eſt *Willielmo de Sancto Claro*, & *W. de Hamelton.* Cuſtodibus Epiſcopatus *Winton.* quod in Chacea Epiſcopatus *Winton.* videlicet in Boſco de *Longwode*, & in aliis Boſcis in Chacea illa habere fac, chariſſimæ Conſorti Regis, *Alienoræ* Reginæ *Angliæ* viginti & quatuor Capriolos vivos ad Foreſtam *de la Longe For.* inde inſtaurand. de dono Regis. Teſte Rege apud *Weſtm.* 25. die *Novembris.* Claus. 10 E. 1. m. 8. Pro Capriol. datis.

The Archbiſhop of *Canterburies* Auditors, Official, and Dean of the Arches, as well as their Lord, uſurping new Juriſdictions over his Suffragan Biſhops, and others within their Dioceſſe in caſes of Appeals, to their great vexation, upon grievous complaints made thereof, the Archbiſhop this year did thereupon make and publiſh an Ordinance intituled, *Ordinatio ſuper querelis & appellationibus Officiali* Cantuarienſi *per ſubditos fratres, & Suffraganeos illatis*: running in theſe words.

UNiverſis præſentem paginam inſpecturis, Frater Johannes *permiſſione divina, &c.* Cum nuper clamoſa plurimorum inſinuatio nobis veriſimiliter retuliſſet, Suffraganeis noſtris et ſubditis eorum, quædam noſtris temporibus præter conſcientiam noſtram, tam per Auditores Curiæ noſtræ, quam per Officialem noſtrum Cantuarienſem, necnon et Decanum de Arcubus Londini, dicti Officialis Commiſſarii fuiſſe illata grabamina, quæ prædeceſſorum noſtrorum temporibus non fuerunt, *quorum tenemur & volumus veſtigiis inhærere: Nos & nova reſecare volentes, & vetera quantum ſecundum Deum poſſumus temperare, pro pace venerabilium Fratrum Coepiſcoporum noſtrorum, eorundemque ſubditorum quiete, quod cupimus intimis præcordiis conſolari; Mandavimus diſcretis viris, venerabili fratri Domino* W. Norwicenſi *Epiſcopo, Magiſtris* R. *Archidiacono* Cantuarienſi, G. *de* S. Leofardo *Theſaurario* Ciceſtriæ, A. *de* Hales, R. *de* Brandon *Canonico* Londini, *in conſuetudinibus & juribus* Cantuarienſis *Eccleſiæ, longi temporis experientiâ eruditis, ut ipſi de prædictis diligenter inquirerent, & nos circa ipſa fideliter informarent. Quorum conſilio, aliorumque prudentum indagine præmuniti, volumus & decrevimus,* dicta grabamina in certis * Ex vet. Codice MS. in Regiſtro Principali D. Archiep. Cant. nuncupato Peckham, f. 145. b. Spelmanni Concil. Tom. 2. p. 346.

tis

An. 10 E. 1. tis articulis respondere, & *ordinationem nostram in perpetuam memoriam commendare.*

Imprimis igitur volumus & ordinamus, quod Officialis noster Cantuariensis, *ad querelas subditorum Fratrum, & Suffraganeorum nostrorum de cætero non rescribat, præterquam in casibus specialibus, videlicet in casu negligentiæ, & in audiendis raciociniis, ab executoribus decedentium in provincia* Cantuariensi *habentium Redditus, Maneria, Possessiones, & bona in diversis Diocesis nostræ provinciæ memoratæ; necnon & in aliis casibus, quitam de jure quam de consuetudine, nostris & prædecessorum nostrorum temporibus, eidem sunt permissi pariter & concessi, & si de facto in aliis rescripserint, & de hoc coram ipso excipiatur, hujusmodi exceptio sine difficultate qualibet admittatur.*

Volumus insuper & ordinamus, quod idem Officialis ad Appellationes à subditis Fratrum & Suffraganeorum nostrorum directè ad Curiam Cantuariensem *omisso medio interpositas de cætero non rescribat. Et si de facto rescripserit, ac de hoc coram ipso aut suo quovis Commissario excipiatur; cum de hujusmodi exceptione & ipsius effectu competenter constiterit, de eadem appellationis causa, ulterius se nullatenus intromittant. Hoc etiam temperamentum in favorem Fratrum & Coepiscoporum nostrorum, ac Cleri & populi provinciæ* Cantuariensis *quietem, præmissis annectentes, quod ad querelas subditorum Fratrum nostrorum prædictorum, sine conscientiâ nostrâ specialiter & expressa, & absque causa rationabili nomine nostro de cætero nullatenus rescribatur. Nos vero hoc jure nostro sic moderatè absque cujuslibet præjudicio uti intendimus,* ut in nullo a prædecessorum nostrorum vestigiis discrepemus.

Sanè si contingat aliquem Fratrum nostrorum fructus Ecclesiæ Clerici subditi sui ex causâ Canonicâ vel consuetâ sequestrare, & post hujusmodi sequestrum eâ occasione ad sedem Apostolicam, et nostram Curiam *pro tuitione ab eodem Fratre, ex parte hujusmodi Clerici* appellatur, *tanquam in Curiâ nostrâ pro eodem in tuitorio negotio pronuncietur, hujusmodi sequestrum tanquam eandem Appellationem præcedens, hujusmodi tuitionis obtentu finaliter nullatenus nolumus relaxari. Cæterum si contingat alicui in Curiâ nostrâ litiganti, per nostrum Officialem aut Commissarium, nostros vel suos absolutionis ad cautelam beneficium impertiri, si absolutionis hujusmodi publicatio petatur ab eodem, eam publicatio conformis esse debeat absolutioni, ne per simplicem absolutionis publicationem se gerat pro simpliciter absoluto, & ab aliis absolutus finaliter reputetur; volumus & ordinamus, quod in literis super hujusmodi absolutionis publicatione in posterum obtinendis, verba illa ad cautelam expressius inserantur. Si autem necesse fuerit aliqua prædictis adjicere vel detrahere, vel ipsorum aliqua declarare, parati sumus in prima congregatione Fratrum, eis in hiis, & in aliis condescendere, quantum possumus,* salva Ecclesiæ nostræ libertate. *Per hanc autem ordinationem nostram non intendimus successoribus nostris,* seu Ecclesiæ nostræ in aliquo derogare. *In cujus rei testimonium Sigillum nostrum præsentibus duximus apponendum, Valete. Datæ apud* Mortelake 7. *Kalendarum* Maii, *Anno Domini* 1282. *Consecrationis nostræ quarto:* Omitting the stile and date of the Kings reign.

How well some Bishops loved Venison and hunting in those dayes, and that the Kings license by word of mouth only was no sufficient warrant to free them from Fines before the Justices of the Forest for killing the Kings Dear, (for which I find them frequently fined in the *Fine*, *Patent*, and *Clause Rolls* of this King) this Record will inform us.

Pat. 10 E. 1. m. 8. Pro Episcopo Meneven.

Quia Rex præcepit oretenus Th. *Episcopo* Meneven. *quod in proximo transitu suo per Forestam Regis de* Shirewode, in eadem foresta caperet quatuor Damos ad opus suum de dono Regis; *mandatum est Justitiariis Regis proximo Itineraturis ad placita Forestæ in Comitatu* Notting. *quod præfatum Episcopum pro quatuor Damis prædictis quos cepit in* Autumpno *proximo præterito non occasionent aut molestent, ac ipsum inde quietum esse faciant. Teste Rege apud* Wygorn. 25 *die* Decembris.

What Clerks arrested and convicted for *robbery* and *murder* were delivered this year to make their purgations before their Ordinaries, who demanded, and then usually acquitted them, these Writs for restitution of their goods, upon Certificates of their purgation, will inform us.

CUM

An. 10 *E.* 1.

CUM *Ricardus de Brocton* Clericus super latrocinii coram Justiciariis Regis ultimo Itinerantibus in Comitatu *Northt.* indictatus, & per eosdem Justiciarios ad requisitionem venerabilis Patris *R. Coventr.* & *Litchf.* Episcopi eidem Episcopo *juxta privilegium Clericale* (prout moris est) liberatus, innocentiam suam super hujusmodi Latrociniis coram præfato Episcopo legitimè purgavit; sicut idem Episcopus per literas suas patentes Regi significavit. Mandatum est Vicecomiti de *N.* quod omnia bona & Catalla ipsius *Ricardi* quæ capta in manum Regis occasione prædicta sine dilatione restitui faciat eidem *de gratia Regis speciali.* Teste Rege apud *Rochel.* 12. die *Julii.*

Consimiles literæ habet *Nicholaus de Gessich.* Clericus nuper de homicidio coram Justiciariis Regis ad hoc deputatis in Comitatu *Hereford.* rettatus, & per eosdem Justiciarios ad requisicionem venerabilis Patris *J. Cantuariensi* Archiepiscopo, eidem Archiepiscopo, *juxta privilegium Clericale* (prout moris est) liberatus, quæ innocentiam suam super hujusmodi crimine coram eodem Archiepisco legitimè purgaverit, sicut idem Archiepiscopus per literas suas Patentes Regi significavit, &c. Teste Rege apud *Rochel.* 27. die *Julii.*

Ibid. Pro Nicho de Gessich.

Peter de Valeys being promoted to the Church of St. *Peter* in the Port of *Gernsey* by the Popes provision, and put into actual possession thereof by his Agents, being forcibly ejected and driven from it by *Guillerinus* a Clerke by Lay-force, who claimed it under the Patron; the King upon his Petition granted him a safe Conduct by Sea and Land, and issued this Writ to his Lieutenant and Officers of the Isles to restore him to the possession thereof, that so the Church and cure now neglected, might be duly served.

Pat. 10 E. 1. m. 22. De Insulis de Gerneſ. & Gereſ.

REX *dilecto & fideli suo* Ottoni de Grandisonio *& ejus locum tenentibus in Insulis de* Gernes. *&* Geres. *& aliis salutem. Monstravit* Petrus de Valeys *Presbyter, quod cum eidem de Ecclesia Sancti* Petri *in Portu* Gernereio *vacante, & spectante ad præsentationem de* Heaumull. auctoritate Apostolica provisum fuisset, ac per Executores Sedis Apostolicæ sibi datos, possessionem ipsius Ecclesiæ canonice sit adeptus, *& Magister* Guillerinus *de Sancto* Remigio *Clericus, qui ad eandem Ecclesiam per eundem Patronum se præsentatum asserit*, eundem Presbyterum et suos per potentiam vestram multipliciter impedit et perturbat, ac propter Minas et Molestias ejusdem Magistri Guillerini tenentis Ballibam in dictis Insulis, non est ausus ad dictam Ecclesiam accedere nec ibidem residere; *propter quod idem Presbyter indebitè vexatur perplurimum*, et eadem Ecclesia obsequio debito defraudatur. *Quare petit, quod Impedimentum hujusmodi Laicale amoveri, & securum sibi & suis in dictis Insulis tam in terra quam in mari conductum præberi, necnon & attemptata*, et bona ipsius Ecclesiæ occupata et indebite devastata, per eandem potentiam in præjudicium ipsius Presbyteri, in statum pristinum et debitum reduci faciamus; Unde cum sit æquitati dissonum, *ut qui Ballivas seu loca nostra tenent, quos ad Justitiam exercendam & tenendam loco nostri ponimus ad injurias faciend. præsumant extendere manus*; vobis præcipiendo mandamus, quatenus eundem Presbyterum et suos per potestatem Laicale non permittatis indebite molestari; *& eisdem securum in prædictis Insulis tam in mari quam in terra faciatis haberi conductum, & attemptata & occupata indebitè*, in præjudicium ejusdem Presbyteri per eandem potentiam in statum pristinum et debitum mediante Justitia reducatis, ut in eadem Ecclesia possit (prout juris est) deservire, et etiam curam sibi commissam gerere, ut tenetur. *Quod autem præcipimus, nullatenus infringere præsumatis; ne ab eodem Presbytero super hoc ad nos clamor reveniat iteratus. Teste Rege apud* Westm. *xxiv. die* Novembris.

The Abbot and Covent of *Messenden.* being greatly impoverished and indebted by reason of the murrain and rot of their Horses, Sheep, and other losses, the King upon their petition granted them this protection.

Pat. 10 E. 1. m. 21. Pro Abbate & Conventu de Messinden.

REX omnibus, &c. salutem. Cum dilecti nobis in Christo Abbas & Conventus de *Messenden.* per morinam ovium & Equorum suorum, & aliis incommodis multimodis,

An. 10 *E.* 1. multimodis, quibus ut certo intelleximus supra modum prægravantur, adeo depauperentur & deprimantur, quod terræ suæ pro magna parte jacent incultæ, & blada sua in eisdem vehementer defecerunt; & insuper iidem Abbas & Conventus Mercatoribus & aliis Creditoribus suis diversis in multimodis debitis teneantur, ad quorum solutionem & Domus suæ relevationem Facultates ejusdem domus per magnum temporis spatium sufficere non possent absque dispersione Canonicorum Domus illius, vel feodalium sacrarum dilapidatione seu forte Domus ejusdem subversione totali, quod nollemus. **Nos imbecillitati status ipsorum compatientes,** ne hujusmodi discriminis aut depressionis periculum ipsius videatur imminere Domum illam cum terris, redditibus, & omnibus possessionibus ac rebus aliis ad eandem Domum pertinentibus, cepimus in protectionem & defensionem nostram specialem, *&c.* as in former Protections. *In cujus*, &c. *per Quadriennium duratur. Teste Rege apud* Westm. 27 die *Novembris.*

The King by his Prerogative conferred the Deanary of *Salop*, by this Patent.

Pat. 10 E. 1. m. 17. De Decanatu beatæ Mariæ Salop. dato.

REX omnibus, &c. salutem. Sciatis quod dedimus & concessimus dilecto Clerico nostro *Nicholao de Aras* Decanatum beatæ *Mariæ Salop*, cum pertinentiis, vacantem per **resignationem** dilecti nobis in Christo *Willielmi de Dovoria* nuper Decani ejusdem loci, **et ad nostram donationem spectantem**; habend. & tenend. eidem *Nicholao* ad totam vitam suam, eodem modo quo prædictus *Willielmus* Decanatum tenuit supradictum. In cujus, &c. Teste Rege apud *Shireburn.* 18 die *Februarii.*

The Countess of *Albemarle* damnifying, suing the Abbot and Covent of *Quarrara*, against the Kings Protection granted to them, he thereupon issued this Writ.

Pat. 10 E. 1. m. 3. Pro Abbate & Conventu de Quarrera.

REX dilecto & fideli suo *Willielmo de Braib.* salutem. Cum nos nuper occasione quarundam discordiarum inter *Isab. de Fortibus* Comitissam *Albemarl.* & Abbatem & Conventum de *Quarrera* subortarum, super quibus placitum pendet coram nobis per breve nostrum inter eos, susceperimus in protectionem & defensionem nostram ipsos Abbatem & Conventum, homines, terras, res, redditus, & omnes possessiones suas; inhibentes omnibus & singulis, ne quis eis injuriam, molestiam, dampnam inferret aut gravamen. Ac eadem Comitissa nihilominus prædictis Abbati & Conventui dampna gravissima, **contra protectionem nostram prædictam, et contra pacem nostram inferre non desistat, ut accepimus:** Nos ipsorum Abbatis & Conventus quieti in hac parte providere volentes; Vobis mandamus, quod ad Abbatiam prædictam personaliter accedentes, eam in manum nostram capiatis & salvo custodiatis, donec prædictum placitum inter ipsos terminetur, & aliud à nobis super receperitis in mandatis; salvo dictæ Comitissæ hoc, **quod tenet ibidem per assensum prædictorum Abbatis et Conventus,** ut dicitur. In cujus, &c. Teste Rege apud *Dymbey* 27 die *Octobris.*

What Ecclesiastical Jurisdiction the King exercised this year in *Ireland*, in granting licenses to elect, approving and confirming Bishops, Abbots, Abbesses, these Records inform us.

Pat. 10 E. 1. m 8. De licentia eligendi.

MAgistri *Hamo de Weysford* & *Philippus de Graibrok* nunciantes Regi mortem *Hugonis de Langeport* nuper Episcopi *Fern.* in *Hibernia*, **habent literas Regis de licentia eligendi.** Teste Rege apud *Rochel.* 8 die *Julii.*

Ibid. m 3. De Temporalibus restit. Hibern.

REX dilecto Clerico suo Magistro *Johanni de Saunford* Escaetori *Hiberniæ*, salutem. Cum venerabilis pater *J. Dublin.* Archiepiscopus **electionem nuper factam** in Ecclesia Cathedrali *Fern.* de dilecto nobis in Christo Magistro *Richardo de Norht.* in Episcopum ejusdem loci, **(cui Regium assensum prius adhibuimus et favorem, confirmaverit)** sicut per literas patentes ipsius Archiepiscopi nobis inde directas, accepimus. **Nos confirmationem illam acceptantes, cepimus fidelitatem ipsius Electi, et Temporalia ejusdem Episcopatus** (prout moris est) **restituimus eidem.** Et ideo vobis mandamus, quod eidem Electo Temporalia ejusdem Episcopatus libere tis. In cujus, &c. Teste Rege apud *Rochel.* 13 die *Octobris.*

REX

REX venerabili in Christo Patri *D Cassalen.* Archiepiscopo, salutem. Sciatis quod **electioni nuper factæ** in Ecclesia Cathedrali *Laen.* de dilecto R. in Christo Magistro *Mauritio Chegan* Præcentore ejusdem Ecclesiæ, **in Episcopum ejusdem loci, Regium assensum obtinuimus**: Et hoc vobis significamus, ut quod vestrum est in hac parte exequamini. In cujus,&c. Teste Rege apud *Cirenc.* 4 die *Febr.* *An.* 10 *E.* 1. Par. 10 E. 1. m. 18. De assensu adhib. electioni.

REX Militibus, liberis hominibus, & omnibus aliis tenentibus de Episcopatu *Laen.* salutem. Cum venerabilis pater *D. Cassalen.* Archiepiscopus **electionem nuper factam** in Ecclesia Cathedrali *Laen.* de *Mauritio* Præcentore ejusdem Ecclesiæ in Episcopum loci illius, **cui Regium assensum prius adhibuimus et favorem**, confirmaverit, sicut per literas ipsius Archiepiscopi patentes nobis inde directas accepimus: Nos confirmationem illam acceptantes, **recepimus fidelitatem ipsius Electi, et Temporalia prædicti Episcopatus** (prout moris est) **restituimus eidem.** Et ideo vobis mandamus, quod eidem *Mauritio* tanquam Episcopo & Domino vestro prædicto in omnibus quæ ad Episcopatum illum pertinent, intendentes sitis & respondentes. In cujus, &c. Teste ut supra. Pat. 10 E. 1. m. 17. De Temporal. restituendis Hibern.

REX venerabili in Christo Patri *S. Waterford.* Episcopo, Justiciario suo *Hibern.* salutem. Cum Prior & Conventus Abbatiæ Apostolorum *Petri* & *Pauli* de *Retheg.* ordinis Sancti *Augustini*, *Auferten.* Dioc. per literas patentes Capituli sui nobis significaverint, quod Ecclesia sua prædicta per cessionem Fratris *Johannis* nuper Abbatis ejusdem loci, pastoris est solatio destituta; supplicantes nobis (prout moris est) **quod licentiam alium sibi eligendi in Abbatem eisdem concedere dignaremur**, *&c.* Nos eorundem Prioris & Conventus laboribus & expensis in hac parte parcere volentes ista vice, concessimus eis **de gratia nostra speciali**, & vobis dedimus potestatem, *&c.* **Receptis prius ab ipso Electo literis patentibus sigillo suo, necnon et sigillo prædicti Capituli consignatis, quod hæc gratia nostra quam eidem Electo ad præsens ex mera liberalitate nostra concessimus, nobis vel hæredibus nostris non cedat in præjudicium vel exhæredationem, vel trahatur in consequentiam temporibus futuris.** In cujus, &c. Teste Rege apud *Rochelan.* 14 die *Novembris.* Pat. 10 E. 1. m. 2. De Temporal. restit. Hibern.

Edwardus, &c. venerabili in Christo patri *S.* eadem gratia *Waterford.* Episcopo, Justiciario suo *Hiberniæ*, salutem. Cum Prioriss & Moniales Ecclesiæ Sanctæ *Mariæ de Clovenard.* in *Hibernia*, nobis per literas Capituli sui patentes significaverunt, quod Ecclesia sua prædicta per mortem *Agnetis* nuper Abbatissæ suæ, pastoris est solatio destituta; **petentes a nobis** (sicut moris est) **licentiam aliam sibi eligendi in Abbatissam**; & nos precibus earundem Monialium in hac parte **favorabiliter inclinati, licentiam illam eis duximus concedendam**: Mandantes ipsis, *&c.* Nos earundem Prioriss & Monialium laboribus & expensis in hac parte parcere volentes ista vice, concessimus eis **de gratia nostra speciali**, & vobis dedimus potestatem, **quod facta electione prædicta de futura Abbatissa**, *&c.* **Receptis tamen prius literis suis patentibus sigillo suo, necnon et sigillo Capituli prædicti consignatis, quod hæc gratia nostra quam eidem Electæ ad præsens ex mera liberalitate nostra concessimus, nobis vel hæredibus nostris non cedat in præjudicium vel exhæredationem, seu trahatur in consuetudinem vel consequentiam temporibus futuris.** In cujus, &c. Teste Rege apud *Wigorn.* 16 die *Maii.* Ibid. m. 13. De Temporal. restituend.

The like License, Patent, Clauses of grace and proviso *verbatim*, issued this year to the Chief Justice for another Abbesse in *Ireland*, m. 6. *Teste Rege apud* Rochelan. 15 *die* Augusti.

By which it is apparent, That although the King out of special grace did sometimes dispence with the Rights of his Crown in the electing and confirming of Bishops, Abbots and Abbesses in *Ireland*, without his previous license to elect, or by his Chief Justice his approbation and confirmation of them, in his name and stead, yet it was with a special *proviso*, testified by Charters under their respective seals, that it should not turn to the prejudice or disinheritance of him or his Heirs, nor be drawn into custome or consequence for the future; which they were then prone to do upon all occasions, as well as Popes and our *English* Prelates, as future presidents will demonstrate.

BOOK V. CHAP. III.

Comprising several Evidences out of our Records *and* Histories, *of King* Edward *the* 1. *his Soveraign Ecclesiastical Jurisdiction over all Persons, Causes, and chief management of all Ecclesiastical affairs in* England, Ireland, Scotland, *and his other* Dominions; *with* Popes, Bishops *various Encroachments thereon, and his, his Parliaments, Councils, Judges Oppositions, Prohibitions against them; together with the most considerable Negotiations between Him, and the Popes, Cardinals, Court of* Rome; *and the successions of Bishops in* England, Ireland, *and Popes in* Rome, *from the beginning of the* 11 *to the end of the* 20 *year of his Reign.*

* Herep. 277, 278.

KIng *Edward* the 1. having the year before by * *special Writs*, prohibited all Foreign Merchants to transport or return any monies to the Pope, collected and laid up in several Monasteries by the Popes Collectors in *England* for the 6. years Dismes granted in the Council of *Lions*, towards the relief of the Holy Land; (to secure it from transportation, for the publick good of the Realm, and right use for which it was given, that so his Brother Earl *Edmund* might be furnished therewith to ayd the Holy Land with a considerable force) issued Writs to Sheriffs and others, to view and secure that money, which they did in sundry places, breaking up the locks, trunks, closets where it was deposited, and taking it into their own custody. The Priors of *Ely* and *Norwich* fearing, obeying the Pope and his Collectors more then the King or his Officers, peremptorily refused to permit them to view or secure the monies laid up in their Monasteries; for which high contempt the King issued these memorable Writs, to summon them with some of their discreetest Monks to appear before him, wherever he should be in *England* or *Wales*, to answer these affronts, and receive condign punishment for the same.

Clauf. 11 E. 1. m. 7. dorso. De Decima.

REX Priori *Elienſi*, ſalutem. *Wallenſibus* ſubdolis Eccleſiæ Sanctæ, Dei, noſtri, & regni *Angliæ* inimicis, pacem & tranquillitatem ejuſdem regni & Eccleſiæ novis & callidis machinationibus nitentibus impugnare, onereque defenſionis Eccleſiæ et Reipublicæ in nobis aſſumpto, nos qui periculis in hoc iminentibus obviare tenemur, attendentes, quod ſi per malefactores & pacis noſtræ perturbatores de depoſito pecuniæ proventientis de Decima regni noſtri in ſubſidium Terræ Sanctæ conceſſa, et in diverſis locis collecta et depoſita, nobis in remotis agentibus ſubtractio fieret non ſperata, manifeſte cederet in retardacionem negotii dictæ Terræ; propter hoc, & propter alias cauſas quas ſubticemus ad præſens, aſſignavimus Vic. noſtrum (*Cant.* & *Andr. de Eley* ad ſupervidendum pecuniam proventem de eadem Decima in Eccleſia veſtra depoſitam, et ad ordinandum de ſalva ejus cuſtodia et ſecura: Mandantes vobis pluries, quod ipſos Vic. et Andr. vel eorum alterum, dictam depoſitum ſuperviſere permitteretis, et inde ſicut prædictum eſt ordinare; verum vos mandati Regii contemptores in deſpectum Regiæ dignitatis, et præfati depoſiti, et noſtri et totius regni periculum, nuncios noſtros prædictos erequi quod ipſis per nos injunctum fuerat in hac parte, minime permiſiſtis. Nolentes igitur tam grandem deſpectum nobis factum, tantumque præfatæ Terræ Sanctæ ac noſtræ exhæredationis periculum ſub diſſimulatione tranſire:

ſire : Vobis mandamus, quod vos aſſumptis vobiſcum tribus de diſcretioribus Religioſis domus veſtræ in craſtino inſtantis feſti Sancti Petri ad vincula proximo ſatur. ubicunque tunc fuerimus in Anglia vel in Wallia, conſpectui noſtro præſentetis, nobis de deſpectu hujuſmodi reſponſuri, et pœnam pro tranſgreſſionibus nobis factis ſecundum demerita recepturi. Teſte Rege apud *Aberconewey* in *Snaudon*. 15 die *Junii*. *An.* 11 E. 1.

Conſimiles literæ diriguntur Priori de *Norwico*. Teſte ut ſupra.

The Pope being informed by his Agents of the Kings ſtopping and ſeiſing of theſe Diſmes, was very cordially affected and diſcontented therewith; whereupon he writ and ſent a very angry threatning Letter to the King, requiring him to reſtore all the monies thus ſeiſed within one months ſpace, notwithſtanding all his excuſes and pretences in his Letter to him, which he reputed frivolous; which if he neglected or refuſed to do, he would rigorouſly proceed againſt him and his Realm by way of Excommunication and Interdict; and withall ſent another Letter to *John Peckam* his devoted creature, (whom he had lately advanced to the Archbiſhoprick of *Canterbury*) to reſort perſonally to the King, upon his canonical obedience, and to induce him by all means to reſtore or repoſite the intire money without difficulty, reciting therein the contents of his Letter to the King; which the Archbiſhop moſt diligently and peremptorily executed, as his own Epiſtle and account thereof to Pope *Martin*, entolled in his Regiſter, (worthy ſpecial obſervation) inform us; thus related by *Matthew Parker*.

* *Diximus ante in* Roberto Kylwarby *Papa* Gregorio 10. *conceſſum in* Lugdunenſi *Concilio* Decimale *ſubſidium ad recuperandam* Terram Sanctam. *Hanc Decimam in* Anglia Edwardus *primus collegit*. Papa id ægre tulit, *ab alio quam à ſe aut à ſuis Collectoribus hanc pecuniam perceptam fuiſſe*. Itaque ut conſtare omnibus poſſit, qua dominatione ac potentia non modo in Clerum ſed in Reges ipſos Romanus Pontifex elatus ſit, et quibus obſequiis ipſos Epiſcopos ſibi arctavit, ut ſua mandata in ipſos Reges peragerent, *ex unis literis hic inſertis*, a Papa ad hunc Johannem ſcriptis, *quibus imperat*, ut Regem moneat ſub Interdicti pœna, (cujus atrocitatem Anglia, Johanne Rege regnante, ante ſenſerat) a dictæ pecuniæ reſtitutione vel ſolutione (*infra unius menſis ſpacium*) non ceſſaret. *Quod mandatum* Johannes *celeriter & ex præſcripto*, Papale imperium magis quam Regale metuens, exequutus eſt. * Antiqu. Eccleſ. Brit. p. 200.

Literæ directæ Domini Papæ & Cardinalibus, Anno Dom. 1283.
Edwardi primi 11.

Sanctiſſimo Patri ac Domino Martino *Dei gratia Sacroſanctæ* Romanæ *ac* Univerſalis Eccleſiæ *Summo Pontifici*, *Frater* Johannes *permiſſione divina Sacerdos* Cantuar. *inutilis*, *cum omni reverentia & honore pedum oſcula beatorum*. *Sanctitatis veſtræ literas* 12 *Kal.* Novembris *recepi* London. *ſub forma inferius annotata*. Ex Regiſt ejus f. 66.

Martinus Epiſcopus Servus ſervorum Dei, venerabili Fratri Archiepiſcopo *Cantuarienſi*, ſalutem & Apoſtolicam benedictionem. Intellecto nuper, quod chariſſimus in Chriſto filius noſter Edwardus Rex Angliæ illuſtris, pecuniam Decimæ in regno Angliæ per Lugdunenſe Concilium Terræ Sanctæ conceſſæ ſubſidio, quæ per collectores a ſede Apoſtolica deputatos, in ſacris et tutis locis depoſita, ſub fide ſugique cuſtodia ſervabatur, de locis ipſis, ſigillis ſeriſque violenter effractis, quibus loca eadem firmabantur, motu proprio, pecuniæ præfatæ cuſtodientibus reſtentibus et invitis totaliter amoveri, et ad certum locum pro ſuæ voluntatis libito, non abſque magna divinæ Majeſtatis offenſa, multoque ſedis Apoſtolicæ contemptu, ac ejuſdem terræ gravi diſpendio, fecerat aſportari; mirati ſumus et turbati, cum ſine noſtra et ipſius ſedis licentia ſpeciali attemptare talia minime debuiſſet. Unde nos præfato Regi noſtras ſub certa forma dirigimus literas inter alia continentes, ut ipſe diligenti meditatione conſiderans, quantum in hoc ſuum offenderit Creatorem, cujus in hac parte negotium agitur, quantum Romanam Eccleſiam perturbarit, quantumve læſerit famam ſuam, pecuniam ipſam in locis de quibus extitit de mandato Domini Regis amota, faciat ſublata difficultate qualibet, excuſationibus ſeu rationibus in literis Regis, nobis ſuper hoc tranſmiſſis, expreſſis nequaquam obſtantibus, quas omnino frivolas duximus reputandas, cum integritate

An. 11 *E.* 1. integritate restitui seu reponi, ulterius a similibus abstinendo, ac etiam Ecclesiasticas ac alias quascunque personas, penes quas prædicta pecunia est deposita, vel eam deponi contigerit per Apostolicam sedem, pro terræ sanctæ commodis disponendam, per se vel per alium seu alios nullis impetendo molestiis, nullis vexationibus perturbando, illam in hoc efficaciam et sollicitudinem impensuram, ut debitæ restitutionis celeritas asportationis indebitæ ausum redimat, et sedis prædictæ gratia, quam libenter ad filios devotos extendimus, circa eum non immerito augeatur. Nec ipsum latere volumus, quod quantumcunque personam ejus sinceris affectibus prosequamur, Regisque libenter deferamus honori, nequaquam pati poterimus, cum non sit deferendum homini plusquam Deo, quin super hoc; si opus extiterit, aliud remedium apponamus. Volumus igitur et fraternitati tuæ per Apostolica scripta in virtute obedientiæ districte præcipiendo mandamus, quatenus ad eundem Regem te personaliter conferens, ipsum juxta datam tibi a Deo prudentiam, et parte nostra diligenter moneas et inducas, ut infra unius mensis spatium post monitionem tuam, prædictam pecuniam in locis eisdem, juxta literarum ipsarum tenorem, cum integritate restitui faciat seu reponi; aperte prædicens eidem, quod cum tantum et tam grave dictæ Terræ Sanctæ dispendium nolumus, sicuti nec debemus, aliquatenus sustinere, nisi hujusmodi monitioni parere curaverit, tam contra eum quam terram suam, prout qualitas facti exigerit, et expedire viderimus, procedamus. Et quia hujusmodi negotium potissime incidet corde nostro, volumus ut de monitione tua, & ipsius Regis responsione, ac aliis quæ super hoc egeris cum eodem, confici facias duo publica similia instrumenta, quæ nobis per latorem præsentium mittere non postponas. Nichilominus significaturus nobis plenarie quicquid super præmissis duxeris faciendum, ut per te super his informati plenius et instructi, tutius et efficacius in hac parte procedere valeamus. Dat. apud *Urbem Veterem* 3 Non. *Julii*, Pontificatus nostri anno tertio. (What this Archbishop did in obedience thereunto, he thus certified the Pope:) Huic igitur Sanctitatis vestræ mandato vires et vota subjiciens reverenter, requisito indilate Rege prædicto repertoque in finibus Walliæ, *post literas vestras eidem directas*, quas ipsius intuli manibus, *literas etiam vestræ beatitudinis mihi missas* coram ipso et Magnatibus suis tunc præsentibus exposui vulgariter et aperte, tandemque exposita auctoritate mandati Regem ipsum monui super tribus.

Primo, ut pecuniam Decimæ suis jussionibus asportatam faceret integraliter infra mensem ad pristinæ loca custodiæ reportari, tanta devotionis promptitudine, quæ posset asportationis maculam expiare.

Secundo, ut de cætero talibus ausibus penitus abstineret; adjungens, quod licet ipsum Apostolica clementia in charissimorum filiorum numero complectatur, si tamen ipsum contingeret in talibus offensionibus de cætero inveniri, non posse eam nec velle virgam ei correctionis subtrahere, ne parcendo homini divinis injuriis quas non corrigeret, assentiret.

Tertio, ne custodibus vel depositariis pecuniæ memoratæ aliquid hujus occasione molestiæ vel gravaminis irrogaret. *Quibus silenter ac reverenter auditis*, tandem cum suis deliberatione præhabita, ad sibi proposita sic respondit:

Ad primum, inquiens, *quoniam non fuisset necessarium pro hac causa Summum Pontificem nobis suas literas destinasse, nec Archiepiscopum ad Regiam accessisse præsentiam, cum pene duobus elapsis mensibus pecuniam prædictam jusserimus restitui cum effectu.*

Ad secundum subjungens, *quod nihil indebitum intendebat de cætero contra Ecclesiam attemptare.*

Ad tertium, *miramur asserens, quare ad illos custodes jubemur specialiter innocentiam custodire, cum nostri sit propositi immobilis conceptio, sicut & debitum Regiæ dignitatis nullum ledere pro viribus innocentem.* (A very milde and sober answer, to these insolent Papal and Pontifical demands; After which he subjoyns,) *Demum juxta mandati vestri beneplacitum* (*Pater Sancte*) *feci fieri publica Instrumenta*, præcepta vestra reverenter et diligenter, sicut potui, in omnibus executus. *Ad hæc noverit vestra providentia Sanctitatis, quod licet communiter fidedignis testimoniis astruatur, quod prædicta pecunia sit juxta jussionem Regiam suis custodiis restituta*, hujus tamen præcisa veritas scire non poterit, nisi per illos qui ipsius noverunt pondus, numerum, et mensuram. *Custodiat Dominus incolumitatem vestram Ecclesiæ suæ sanctæ*

ſanctæ per tempora longiora. Scriptum penultima die Novembris. Theſe Letters atteſt how much more obedient this Arch-prelate was to the Pope, his creator, then to his Soveraign Lord King *Edward*. *An.* 11 *E.* I.

The King having the year before invaded the Principality of *Wales*, and almoſt totally ſubdued it, though with ſome loſs, by advice of his Prelates, Nobles, and Commons, for the future peace and ſecurity of the Realm from their frequent Rebellions and Incurſions, reſolved totally to ſubdue them with a puiſſant Army; for which purpoſe ſtanding in need of new and great ſupplyes of Moneys, he by his Regal Authority iſſued out ſeveral ſpecial Writs to the Archbiſhops of *Canterbury* and *York*, and the Biſhops within their Provinces, to haſten on the payment of the Quindiſme they had granted him the year before, wherein the Archbiſhop was very negligent, though over-zealous to promote the Kings reſtitution of the Diſmes collected for the *Holy Land* to the Pope, which after its reſtitution, he was enforced to borrow upon Security, and make uſe of againſt the *Welſh Rebels*. After which he ſent forth other Writs to them, and likewiſe to the Abbots, Deans, Chapters, Clergy and Commonalty within their reſpective Provinces to meet together at ſeveral times and places, to adviſe with ſuch Perſons as himſelf intruſted, to grant him a liberal Ayde and Supply of Moneys to accompliſh this neceſſary and uſefull Deſign at once; thus recorded to poſterity in the Rolls of this year, remaining in the *Tower* of *London*.

Rot. Wallix, 11 E. 1. m. 4. dorſo. De Quintadecima levandâ.

REX *Cantuarienſi* Archiepiſcopo totius *Angliæ* Primati ſalutem. Quia pecunia ad diversa negocia noſtra expedienda ad præſens plurimum indigemus, paternitatem veſtram affectuosè rogamus, quatinus Collectores Quintædecimæ in Dioceſi veſtra qui circa pecuniam provenientem de Provincia illa colligendam plurimum ut accepimus ſunt remiſſi, efficaciter moneatis, et eis ſpecialiter injungatis, ut ipſi tam pecuniam provenientem de eadem Quintadecima de primo termino, anni tercii conceſſionis ejuſdem tranſacto, quam arreragia ejuſdem de primo anno & ſecundo, ſub omni feſtinatione levari et ſocietati Mercatorum noſtrorum de *Luk*, per viſum dilecti Clerici noſtri *Eliæ Tholoſan*, quem ad Collectores ipſos ea occaſione ſpecialiter tranſmittimus, & prout ipſe *Elias* eis ſcire faciet ex parte Regis liberari faciatis ſine mora. Ita quod pro defectu levacionis pecuniæ prædictæ dampnum minime incurramus. Teſte Rege apud *Rothelan*. ſecundo die *Marcii*.

Conſimiles literæ diriguntur *J.* Epiſcopo *Roffenſi*, *R*, *Londinienſi*, *S. Cyceſtrenſi*, *R. Sariſburienſi*, *R. Bathonenſi* & *Wellenſi*, & *P. Exonienſi* Epiſcopis. Teſte ut ſupra.

Rot. Wallix, 11 E. 1. m. 4. nu. 2. dorſo. De Subſidio petendo in exercitu Regis Wallix.

REX venerabili in Chriſto Patri *J.* eadem gratia *Cantuarienſi* Archiepiſcopo totius *Angliæ* Primati ſalutem. Quia *Lewelinus* filius *Griffini* & *Walenſes* complices ſui, inimici & rebelles noſtri, tociens temporibus noſtris & Progenitorum noſtrorum Regum *Angliæ* pacem Regni turbarunt, & rebellionem ſuam & maliciam jam reſumptam continuare non deſinunt animo indurato, propter quod negocium quod ad ipſorum verſuciam reprimendam jam incipimus de conſilio Prælatorum Procerum et Magnatum Regni noſtri, necnon et totius Communitatis ejuſdem ad præſens proponimus ad noſtram et totius Regni pacem et tranquillitatem perpetuam Domino concedente finaliter terminare. Commodius eciam & decencius eſſe perpendimus, quod nos & incolæ terræ noſtræ ad ipſius maliciam totaliter deſtruendam pro communi utilitate laboribus & expenſis fatigemur hac vice, licet onus difficile videatur, quam hujuſmodi turbatione per Walenſes ipſos nunc habita pro voluntate ſua futuris temporibus cruciari, prout tempore noſtro et Progenitorum noſtrorum contigit manifeſte. Vobis mandamus rogantes quatinus Suffraganeos veſtros eciam Abbates, Priores ac alios ſingulos domibus religioſis præfectos, necnon et Procuratores Decanorum et Capitulorum Eccleſiarum Collegiatarum veſtræ et Suffraganeorum veſtrorum Dioceſium venire faciatis coram nobis apud *Northampt.* in octabis Sancti *Hillarii*, vel coram fidelibus noſtris quos ad hoc duxerimus deputandos, et vos eiſdem die et loco interſitis, ad audiendum et faciendum ea quæ pro Republica vobis et ſibi oſtendi ſuper hiis faciemus, et ad præſtandum nobis conſilium et juvamen, præſertim cum veſtra ſicut aliorum interſit, per

quod

An. 11 *E.* 1. quod negocium jam inceptum ad laudem et honorem Dei, et magnificenciam nostræ sane ac totius Regni nostri et populi pacem et tranquillitatem perpetuam valeamus hac vice, ut intendimus, feliciter consummare. Teste Rege apud *Rothelan.* 24 die *Novembris.*

Consimiles literæ & de eadem data diriguntur Archiepiscopo *Eborum*, quod Suffraganeos, &c. venire faciat coram Rege apud Eborum in Octabis prædictis bel coram fidelibus Regis, quos, &c.

What an insolent undutifull Answer this Arch-Prelate gave when they assembled in Parliament and Convocation at *Northampton* to this just and necessary request of the King, to promote the publick peace and felicity of the Church and Realm, who was so zealous to obey the Popes Commands, in demanding present restitution of the Dismes collected for the *Holy Land*, which he had seized, and might with more justice, reason make use of to supply his present pressing necessities, than suffer the Pope and his Agents to convert them to their own private uses, *Matthew Parker* thus relates: * In hoc Parliamento Johannes Cantuariensis Archiepiscopus, cum Rex a Clero Decimam Provintuum Ecclesiasticorum ad sumptus in Cambria factos recuperandos toto proximo triennio sibi solvi petiisset, vicissim petiit, (in a very * insolent manner) ut jura et privilegia vetera pro Ecclesiastica immunitate a Britannorum, Saxorum et Dacorum Regibus antiquitus tributa, quæ in S. Edwardi et Canuti Regum legibus descripta, a Willielmo Normanno approbata, ab Henrico prime in controversiam vocata, sed ab Henrico secundo rejecta et posthabita fuere, jam tandem authoritate Regia, omniumque in eo Parliamento consensu firmarentur. Cujus rei deliberatio, Decima jam concessa, (much against the Archbishops mind) in aliud tempus dilata est. Notwithstanding the King to ingratiate himself with him, *In hoc Parliamento* Aimarus *quidam de* Montefort Clericus, *quem Rex* Cambrensis *belli reum suspicabatur, &* carceribus inclusit, *intercedente* Cantuariensi *Archiepiscopo cum suis Suffraganeis, simulque fide jubente* ne quid detrimenti ab eo Reipublicæ inferatur, liberatus est. Is Romam se ad Papam contulit, et abjecto Papæ authoritate Clericatu, *se addixit infaustus militiæ. Paulo enim postquam se armis enseque cinxisset, nullo gesto aut suscepto obiit.*

* Antiqu. Eccles. Brit. p. 200.

* See here, p. 264, to 268.

The King after this Parliament and Convocation held at *Northampton*, issued these Writs to the Archbishop of *York*, the Bishop of *Durham*, and the Abbots, Priors, Deans, Clergy and Archdeacons within their respective Provinces, Dioceses, and Counties beyond *Trent*, to meet together and grant him a competent ayd of money for this affair.

De Subsidio petendo a Clero Provinciæ Eboracensis.

REX venerabilibus in Christo Patribus, Episcopis, Abbatibus, Prioribus, Decanis, Capitulis Ecclesiarum Cathedralium, et Collegiatarum de provincia Eborum, et eorum Procuratoribus ac toti Communitati Cleri Provinciæ ejusdem, Militibus, liberis hominibus, communitatibus & omnibus aliis de singulis Comitatibus ultra *Trentam* apud *Eborum* in instantibus Octabis Sancti *Hillarii* conventuris salutem. Cum nos occasione præsentis expeditionis nostræ *Wallie* ad maliciam & rebellionem *Wallensium* inimicorum nostrorum reprimendam, & ad perpetuam pacem Regni nostri faciendam, ad quam totò corde intendimus, subsidio fidelium nostrorum Regni nostri opus habeamus ad præsens, Nos de benevolencia venerabilis Patris *W. Eborum*, Archiepiscopi *Anglie* Primatis, & de circumspectione dilecti Clerici & Secretarii nostri *Antonii Beks* Archidiaconi *Dunelmensis* fiduciam gerentes specialem, ejusdem Archiepiscopo & *Antonio* tenore præsentium plenam damus potestatem petendi et procurandi nomine nostro, juxta formam per nos eis inde traditam et injunctam, subsidium ad opus nostrum a fidelibus nostris singulorum Episcopatuum et Comitatuum Regni nostri ultra *Trentam*. Et ideo vobis mandamus rogantes, quod eisdem Archiepiscopo & *Antonio* in hac parte firmam fidem adhibentes ea quæ circa præmissa vobis dicent, modis omnibus expleatis prout ipsi vobis scire facient ex parte nostra. In cujus, &c. Teste Rege apud *Rothelan.* primo die *Februarii.*

Rot. Wallix, 11 E. 1. m. 4. De potestate data petendi & procurandi Subsidiū Regi in expeditione Regis Wallix.

REX venerabili in Christo Patri *R. Dunelmensi* Episcopo, & Abbatibus, Prioribus, Decanis, Capitulis infra Episcopatum Dunelmensem constitutis,

bus, ac Militibus, liberis hominibus, communitatibus Burgorum & Villarum ejuſdem Epiſcopatus ſalutem. Cum nos occaſione, &c. (as before.) Subſidio fidelium noſtrorum Regni noſtri opus habeamus ad præſens. Nos de fidelitate & induſtria dilectorum & fidelium noſtrorum *Thomæ de Mandevill*, & Magiſtri *Henrici de Newerk*, Archidiaconi *Richemund* fiduciam gerentes ſpecialem, eiſdem *Thomæ* & *Henrico* tenore præſencium plenam damus poteſtatem petendi et recipiendi nomine noſtro ſubſidium ad opus noſtrum, tam a Clero quam a populo Epiſcopatus prædicti in forma per nos ſibi tradita et injuncta. Et ideo vobis mandamus rogantes, quod eiſdem *Thomæ* & *Henrico* in hac parte firmam fidem adhibeatis, & ea expleatis quæ vobis dicent de præmiſſis prout ipſi vobis ſcire facient ex parte noſtra. Et hoc ſicut de benivolencia confidimus nullatenus omittatis. In cujus, &c. Teſte Rege apud *Rothelan.* 6 die *Januarii*. *An.* 11 E. 1.

Et mandatum eſt eiſdem *Thomæ* & Magiſtro *Henrico de Newerk*, quod cum Rex mittat prædictum *Antonium* ad partes boriales pro quibuſdam arduis & ſpecialibus negociis Regis ibidem expediendis in forma ſibi tradita per Regem & injuncta, eidem *Antonio* firmam fidem adhibeant, & ea faciant quæ ipſe eis dicet ex parte Regis. Teſte ut ſupra.

Et mandatum eſt Epiſcopo & Priori *Dunelmi*, quod cum Rex mittat eoſdem *Thomam* & Magiſtrum *Henricum* ad Epiſcopatum prædictum pro ſubſidio petendo nomine Regis, & ad opus Regis in præſenti expedicione Regis *Walliæ* procurando in forma eis per Regem tradita & injuncta, eiſdem *Thomæ* & *Henrico* ad hujuſmodi ſubſidium ad opus Regis perquirendum in partibus illis conſulentes et auxiliantes ſint, et eis firmam fidem adhibeant in hac parte, et ea faciant et expediant amore Regis quæ eis ex parte Regis dicent in præmiſſis. Teſte ut ſupra.

After which he ſent forth other Writs to the like effect to the Biſhops, Abbots, Priors, Deans, Clergy of the Province of *Canterbury*, thus entred on Record:

REX venerabilibus Patribus, Epiſcopis, Abbatibus, Prioribus, Decanis, Capitulis Eccleſiarum Cathedralium et Collegiatarum de Provincia Cantuarienſi et eorum Procuratoribus, ac toti Communitati Cleri Provinciæ ejuſdem ad inſtantes tres ſeptimanas Paſchæ London. conventuris ſalutem. Dilectos & fideles noſtros *Edmundum* Comitem *Cornubiæ*, Abbatem *Weſtm.* Theſaurarium noſtrum, & *Johannem de Kirkeby* Archidiaconum *Conventrenſem* pro negocio noſtro vobis per ipſos nuper apud *Northampt.* ex parte noſtra expoſito proſequendo ad vos duximus deſtinandos, vos effectuosè rogantes quatinus prædictis Comiti, Abbati, & *Johanni* vel duobus ipſorum quos præſentes eſſe contigerit, in hiis quæ vobis circa præmiſſa ex parte noſtra referent viva voce adhibeatis firmam fidem. In cujus, &c. apud *Aberconwey* in *Snaudon* 18 die *Aprilis*. Rot. Walliæ, 11 E. 1. m. 2. De Subſidio a Clero petendo.

Conſimiles literas habent prædicti Comes, Abbas & Archidiaconus directas *J. Cantuarienſi* Archiepiſcopo totius *Angliæ* Primati, & Epiſcopis Provinciæ *Cantuarienſis* ad inſtantes tres ſeptimanas, &c. Conventuris ut ſupra. Teſte ut ſupra.

The King proceeding in his Wars againſt the *Welſh*, notwithſtanding the want of Victuals and Carriages for himſelf and his Army in *Wales*, granted this ſpecial Protection againſt purveyance to the Abbot and Covent of *Cumbremere*: grounded on the Statute of *Weſtm.* 1. c. 1.

REX omnibus Ballivis, &c. Licet nos & Magnates, & cæteri fideles noſtri in exercitu noſtro *Walliæ* exiſtentes, bladis, victualibus & cariagio ad exercitum noſtrum prædictum non modicum indigiamus; Nolumus tamen quod aliquid de bladis, victualibus, ſeu rebus aliis dilectorum nobis in Chriſto Abbatis & Conventus de *Cumbremere*, quæ ad ſuſtentationem ſuam et domus ſuæ minime ſufficiunt, ut accepimus, bel cariagium aliquod ad opus noſtrum bel alterius cujuſcumque ab ipſis contra voluntatem ſuam, occaſione inſtantis exercitus noſtri Walliæ capiatur. Et ideo vobis mandamus, quod de bladis, victualibus, aut aliis rebus ipſorum Abbatis & Conventus, aut eciam Cariagium aliquod ab ipſis ad opus noſtrum vel alterius cujuſcumque, ſicut prædictum eſt, contra voluntatem ipſorum Abbatis et Conventus nullatenus capiatur. In cujus, &c. Teſte Rege apud *Rothel.* 19 die *Febr.* duraturus uſque ad Feſtum Sancti *Michaelis* proximo futurum. Rot. Walliæ 11 E. 1. m. 3. Pro Abbate, & Conventu de Cumbremere.

* Tranſlata

An. 11 E.1. * Walsingham Hist. Anglix Anno 1284. p. 12.

Translata est hoc tempore Abbathia de Aberton (Aberconwey) **per Regem** (by his inherent Royal authority, without the Popes or Bishops concurrence) **ad locum alium,** *& constructum est in loco quo Abbathia fuerat forte Castrum, ad irruptiones* Wallenses *compescendas. Et Rex in Comitatu* Cestriæ *aliam Abbathiam Monachorum fecit* Cistercienſium, *quam multis ditatus prædiis,* Vallem Regalem *voluit appellari.*

The Kings Embassadors sent to the Pope the year before, to excuse his own personal voyage to the Holy Land, by reason of his Wars with the Rebellious *Welshmen*, and troubles by the *French*, and to desire that the monies collected for the Holy Land might be conferred on his Brother Earl *Edmund*, who was ready and resolved speedily to repair thither in his stead, arriving at *Rome*, and imparting their Embassy to the Pope and his Cardinals; they utterly refused to grant his petition, pressing him to restore the monies seised in a milder manner then * before, and to repair personally to the Holy Land as they expected, for the glory of God, and his own honour; as this second Epistle of Pope *Martin* to him more fully relates.

* Here p. 299, 300.

Clauſ 11 E.1. m 7. dorso. Bulla directa Regi super Decima.

MARTINUS *Episcopus*, &c. *Charissimo in Christo filio* Edwardo *Regi* Angliæ *illustri, salutem & Apostolicam benedictionem. Charitatis fœcunde sinceritas quum personam Regiam tuamque domum solitam* **claris utique devotionis et fidei titulis insignitam, Apostolica sedes quasi mater affectuosa prosequitur instanter,** *animum nostrum pulsat mentemque sollicitat*, **ut circa te veluti filium perdilectum interni luminis aciem dirigentes, de tuæ salutis profectibus et honoris augmento Regii sedulo cogitemus.** *Sane dilecti filii Magistri* Robertus *Decanus* Ebor. & Johannes *dictus* Clarel *Capellanus noster, Regia magnitudinis nuncii quos affectione multa recepimus, nuper ad nostram præsentiam venientes, & præsentantes nobis literas Regias quas portarunt, ex parte tua cum instantia supplici petierunt*, **ut Decimam Regni tui Terræ Sanctæ subsidio deputatam, dilecto filio Nobili viro** Edmundo Campaniæ & Britanniæ **Comiti fratri tuo, cum ex certis causis, prout Nunciorum ipsorum patescit assertio, non intendas generalis passagii tempore a sede Apostolica statuendo ad partes accedere transmarinas, benigne concedere curaremus;** *cum idem Comes, sicut asseritur, sit paratus in terra memorata succursum prædicto tempore proficisci. Porro, fili charissime, petitionis hujusmodi serie intellecta,* **seram lætitiæ nostris et ejusdem sedis minime referabit affectibus, quinimmo ut veritas non negetur et rem gestam pandat eloquium, dictæ petitionis oblatio nostrum et ipsius sedis perturbabit auditum, amaricabit animum, et pectoris intima quasi quodam non levi dolore concussit; non quia Decimæ prælibatæ concessio pro eodem Comite extulit postulata, cum nostrum ob suæ multiplicis probitatis virtutem prosecutioni negotii dictæ terræ cunctis adesse favoribus affectemus; set quoniam Romana Ecclesia mater tua invitis percepit auribus, quod in prædicto transfretare passagio nullatenus disponebas; cum illa** * **plene confideret, speque non modica duceretur, ut cum solitæ devotionis et fidei zelo succensus, de Crucis assumptione vivificæ præsignires, et tactus dolore cordis intrinsecus ac animatus ad ejus injurias ulciscendas, quæ sic jugiter in terra prædicta** *(prout olim præsens inibi didicisti)* **ab infidelium nephariis ausibus inferuntur in promptitudine spiritus charitatis ardore ac plenitudine voluntatis ad partes illas prædicto adveniente passagio, quasi laudabilis præcursoris officium erequens convolares.** *Nosti etenim, immo propriis oculis dictæ terræ calamitates universas aspexisti, sensisti tribulationem, ejus incendia diraque palpasti vulnera, quæ sibi non sine Christianæ gentis opprobrio scelesta manus infligere non veretur. Revera si sollicita consideratione multiplicium dona carismatum quibus te præveniſſe conspicitur cœlestis munificentia largitoris, cum in te prout læti referimus strenuitatis vigor, discretionis virtus, magnitudo prudentiæ & potentiæ magnitudo clarescant, ut diversarum habundantiam facultatum, quibus inter cæteros orbis terræ Principes præmunitus agnoscaris, silentio relinquamus: Deceret utique magnitudinem Regiam, ut se promptam & facilem divinis obsequiis exhiberet, si etiam grande patulumque miraculum quod circa te dudum in prædictis partibus existentem, is qui facit mirabilia magna solus benigna operatione complevit omnimodum, lætiferas inimici hominis assissini tuam perdere animam satagentis insidias, quamvis gravibus confossus vulneribus,*

* See here p. 278.

neribus, evaſiſti, divina virtute reſervatus ad vitam, diligenti meditatione penſares, pati aliquatenus non deberes, ut dictam Decimam *per cujuſvis alterius miniſteriam converti contingeret in ſervitium* Jeſu Chriſti, *ſed dignum potius & conveniens proculdubio noſceretur, ut negligentia qualibet eminus relegata, ſalubre onus hujuſmodi ſubiens id per te ipſum viriliter duceres exequendum, debita ſervitutis ſponſum ſolvendo Domino Deo tuo, qui ut te redimeret & de venantium laqueo liberaret, Crucis ſubire patibulum non expavit.* Regalem itaque Celſitudinem attente duximus exorandam, quatinus non miceris tuaque ſerenitas moleſte non ferat, ſi petitionem eandem, quamvis libenter in his quæ pro tempore poſtulas votis Regiis annuamus, erga tre diſſulimus; tuam in hac parte ſalutem tuumque ſolliciti conſiderantes honorem, ac etiam commoditatem ſubſiſti quam in perſona tua petitionis ipſius erga ditio vacuaſſet, tibi ſuper hujuſmodi conſervare negotio cautius intendentes. *Confidimus etenim & ſperamus in Domino*, cujus negotium agitur, *quod cum in manu Dei Regum corda conſiſtant, ipſoque illa quo, & quando, ac prout vult potenter inclinet; tu divinæ virtutis operante potentia conceptum propoſitum ſucceſſu temporis commutabis, in fervore ſpiritus præfatum proſequendo negotium, ad cujus aſſumptionem te in præſentiarum (ſi relativis veritas faveat) non diſponis. Nimirum magnæ tibi laudis præconium proculdubio vendicabis, multumve commodis propriæ ſalutis adicies, ſi quod ſenſibus Regiis* ex affectu ſinceriſſimo ſuademus, curabis efficaciter adimplere. Conſideramus etiam erga ditionem hujuſmodi differentes, quod cum paſſagii (*utpote nondum conſtituti*) neceſſitas non urgeret, neque ſtatus mundi qualitas ad ſtatuendum illud in proximo commoditatem temporis repromittat, nonnullis orbis provinciis (*prout intelleriſſe te credimus*) turbationibus validis hoſte humani generis procurante concuſſis, nullum poterat ex præmiſſa dilatione diſpendium erga iri. Quod ſi forte præfixo paſſagii tempore te nolle (*quod abſit*) transfretare contigerit, (*de quo poterit Eccleſia non dolere*) tunc tam circa præfatum Comitem, quam etiam Magnates et Nobiles regni tui taliter de Decima diſponere curabis ſupradicta, quod ad laudem Dei et Terræ Sanctæ commodum, et honoris Regii cedat augmentum. *Dat. apud* Urbem Veterem 6 *Idus* Januarii, *Pontificatus noſtri anno ſecundo.*

An. 11 *E.* 1.

The King this year to preſerve the Rights of his Crown, and Priviledges of his Free-Chappels, againſt the Popes Uſurpations by *Proviſions*, and his own Prelates, and their Officials, Archdeacons Viſitations, Procurations, and uſurped Juriſdictions over them, conſtituted two ſpecial Proctors, one in *England*, and another in the Court of *Rome*, for this very end, as theſe two Patents evidence.

REX omnibus Ballivis ſuis ad quos, &c. ſalutem. In omnibus cauſis & negotiis liberas Capellas noſtras in regno *Angliæ*, conſtitutas ubicunque & coram quibuſcunque perſonis contingentibus, dilectum noſtrum Magiſtrum *Radulphum de Merlawe* noſtrum Procuratorem facimus, conſtituimus, & etiam ordinamus: Dantes eidem poteſtatem ſpecialem nomine noſtro agendi, defendendi, ac etiam proſequendi, jura et libertates noſtras in Capellis prædictis, et earum pertinent. tam in rebus quam in perſonis, prout juri et honeſtati Regiæ videbitur convenire. Appellandi, etiam appellationes proſequendi, et omnia alia et ſingula faciendi quæ ad conſervationem et tuitionem jurium et libertatum hujuſmodi pertinere noſcuntur. Ratum & firmum habituri quicquid dictus *Radulphus* quibuſcunque diebus & locis nomine noſtro in præmiſſis omnibus & ſingulis duxerit faciendum. Hæc omnibus quorum intereſt tenore præſentium intimamus. In cujus, &c. per triennium duraturi. Teſte Rege apud *Overton.* 28 die *Septembris.*

Pat. 11 E. 1. m. 3. intus. De procuratore facto pro liberis Capellis Regis.

UNiverſis, &c. *Edwardus*, &c. ſalutem. Noveritis, quod nos facimus conſtituimus, et ordinamus verum et legitimum Procuratorem noſtrum in Curia Romana, et in audientia Domini Papæ, dilectum Clericum noſtrum Magiſtrum *Stephanum de Sancto Georgio* exhibitorem præſentium, ad impetrandum nomine noſtro literas Apoſtolicas gratiam vel juſtitiam continentes, contradicendum literis quibuſcunque impetratis, ſeu etiam impetrandis, Judices eligendum, recuſandum, et in eos conveniendum, nos defendendum; Et ſi nec eſſe fuerit appellandum, et appellationem proſequendum. Dantes eidem poteſtatem, & ſpeciale mandatum alium Procuratorem loco ſui ad prædicta ſubſtituendi, et omnia alia & ſingu-

Pat. 11 E. 1. m. 4. intus. De Procuratore conſtituto in Curia Romana.

An. 11 *E.* 1. la in præmissis faciendi quæ verus Procurator facere potest & debet, & nosmet possemus facere si præsentes essemus. Et promittentes sub ypotheca rerum nostrarum nos ratum habituri & firmum quicquid per eundem Procuratorem vel substitutum ab eo factum fuerit in præmissis. In cujus rei testimonium has literas nostras patentes fieri fecimus sigillo nostro munitas. Dat. apud *Acton Burnell* 20 die *Octobris*, Anno regni nostri 11. Anno vero Gratiæ 1283.

The King to ingratiate himself with the Clergy and Religious persons this year, issued these Writs for the payment of Tithes of Assarts, and Venison within his Forests.

Clauſ. 11 E. 1. m 4. Pro Johanne de London. de Decimis percipiend. &c.

Quia Rex concessit *Johanni de London.* Personæ Ecclesiæ de *Nova Terra* **Decimas prati de** *Whytemede*, **una cum omnibus Decimis novorum Clausorum et Assartorum Regis factorum et faciendorum infra Forestam Regis de** *Dene*, mandatum est Constabulario Castri Regis de Sancto *Brianello*, **quod eundem** *Johannem* **Decimas illas percipere et habere permittat, salvo jure cujuslibet.** Teste Rege apud *Acton Burnell* primo die *Octobris*.

Clauſ. 11 E. 1. m 9 Pro Abbate Cestr. de Decima venationis.

MAndatum est custodi Forestæ Regis de la *Mare*, quod faciat habere Abbati Sanctæ *Wereburgæ Cestr.* **Decimam venationis quæ nunc capitur in Foresta Regis prædicta per præceptum Regis, sicut Decimam illam habere debet et solet temporibus retroactis.** Teste Rege apud *Rothelan.* 28 die *Decembris*.

I find this account and acquittance this year for the arrears of the Quindisme granted by the Clergy to the King, in the Dioceſs of *Lincoln*.

Pat. 11 E. 1. m. 6. Pro Episcopo Lincolniensi de denariis Quintædecimæ liberatis.

REX omnibus, &c. salutem. Sciatis quod venerabilis pater *Oliverus Lincolniensis* Episcopus die Dominica proxima ante festum Apostolorum *Simonis* & *Judæ* anno regni nostri undecimo, **solvit per præceptum nostrum Magistro** *Adæ de Botindon* **quingentas viginti et duas libras, quatuordecim solidos, et quinque denarios**, in partem solutionis arreragiorum Quintædecimæ nobis à Clero concessæ in Episcopatu prædicto. De quibus quidem quingentis viginti & duabus libris, quatuordecim solidis, & quinque denariis, ipsum Episcopum tenore præsentium quietamus. In cujus, &c. Teste Rege apud *Acton Burnell* 13 die *Octobris*.

What Clerks imprisoned and convicted of theft and robbery, were delivered by the Justices Itinerant to their Ordinaries, and restored to their Goods upon their purgations before them this year, this Record will inform us.

Clauſ. 11 E. 1. m 3. Pro Gervasio de Clifton.

REX Thesaur. & Baronibus de Scaccario, salutem. Cum dilectus & fidelis noster *Gervasius de Clyfton* Vic. noster *Not.* & *Derb.* liberaverit per breve nostrum *Willielmo Barn* de *Skeftesworth* Clerico, **qui de furto et latrocinio** coram Justic. nostris ultimo Itinerantibus apud *Noting.* **redatus, innocentiam suam juxta privileg. Clericale coram Domino Archiepiscopo** *Ebor.* **inde purgavit**, Triginta & sex solidos & octo denarios de dono nostro. Et etiam cum idem Vic. per aliud breve nostrum liberaverit *Richardo de Bronflon* Clerico, **qui de latrocinio** coram Justic. nostris ultimo Itinerantibus apud *Derby* **indictatus, innocentiam suam juxta privileg. prædictum coram** *R. Covent. & Lich.* **Episcopo purgavit**, Tresdecim libras & duos denarios de dono nostro, sicut per literas ipsorum *Willielmi* & *Richardi* quas idem *Gervasius* inde habet nobis constat; Vobis mandamus, quod inspectis eisdem literis patentibus ipsum *Gervasium* Vic. de prædicta pecunia præfatis *Willielmo* & *Richardo* per præceptum nostrum sic liberata, prout justum fuerit exonerari faciatis. Teste Rege apud *Acton Burnell* 5 die *Octobris*.

Liberate 11 E. 1. m. 5. Pro Domino M. Sanctæ Mariæ in Porticu Diac Cardin.

The King to facilitate his affairs in the Court of *Rome*, gave this Warrant for payment of the arrears of an Annuity he had granted to one of the Cardinals.

REX Thesaur. & Camerar. suis, salutem. Liberate de Thesauro nostro *Uberto Dosgy* & *Abraftino Gerardi* Mercatoribus *Florentinis* de societate *Pulicum* & *Rambertinorum*,

Rambertinorum, ſeraginta Marcas per manus ſuas liberandas venerabili Patri Domino Matthæo Sanctæ Mariæ in Porticu Diacono Cardinali, de termino Natalis Domini anno Regni noſtri undecimo, de annuo feodo ſuo ſeraginta Marcarum quod ei conceſſimus percipiendum ad Scaccarium noſtrum. Niſi pecuniam illam ei priùs liberaveritis per aliud breve noſtrum. Recipientes ab eiſdem Mercatoribus literas ſuas patentes receptionem dictæ pecuniæ teſtificantes. Teſte Rege apud *Brumburgh* ſecundo die *Sept.* Canc. mand. de *Brumburgh*. *An.* 11 *E.* 1.

The Biſhoprick of *Durham* becoming void by the death of *Robert de Inſula*, the King granted the cuſtody of the Temporalty thereof by this Patent.

REX omnibus, &c. ſalutem. Sciatis, quod commiſimus dilectis & fidelibus noſtris *Gniſchardo de Charron*, & *Malcolmo de Harlegh* Epiſcopatum *Dunelmenſem*, cum Caſtris & omnibus aliis pertinentibus ſuis, cuſtodiendum quamdiu nobis placuerit. Ita quod de exitibus inde provenientibus nobis reſpondeant ad Scaccarium noſtrum. In cujus, &c. Teſte Rege apud *Aberconwey* in *Snaudon*. 13 die *Junii*. Pat. 11 E. 1. m. 16. & Fines 11 E. 1. m. 13. De Epiſcopatu Dunelmenſi commiſſo.

Theſe Guardians payed into the *Kings Wardrobe* out of the Rents and Profits thereof this year to the King's uſe 1303 *l.* 6 *s.* 8 *d.* as this Writ of Acquittance aſſures us.

REX omnibus, &c. ſalutem. Sciatis, quod dilecti & fideles noſtri *Gwychardus de Charron*, & *Malcolmus de Harlegh*, nuper Cuſtodes noſtri Epiſcopatus *Dunelmenſis* ſede vacante, liberaverunt in Garderoba noſtra die Sabbati proxima poſt Feſtum Nativitatis Beatæ *Mariæ* Virginis anno Regni noſtri undecimo, dilecto Clerico noſtro Magiſtro *Willielmo de Ludo* Cuſtodi ejuſdem Garderobæ ad opus noſtrum per manus *Richardi de Biſchopesdon* de exitibus Epiſcopatus prædicti Mille treſcentas triginta et tres libras, ſex ſolidos, et octo denarios: de quibus quidem mille treſcentis triginta & tribus libris, ſex ſolidis, & octo denariis præfatos *Gwychardum de Charron*, & *Malcolmum*, tenore præſencium quietamus. In cujus, &c. Teſte Rege apud *Maſteffend* 12 die *Sept.* per Billam. Pat. 11 E. 1. m. 11. Pro Gwyſchardo de Charron. & Malcolmo de Harlegh.

After which *Anthony Bek* being * elected Biſhop by the King's Licenſe, and confirmed and conſecrated Biſhop thereof by *Wyckwane* Archbiſhop of *York* in Saint *Peters* Church of *York*, the King, Queen, and moſt of the Nobles of *England* being preſent, the King iſſued theſe Writs for the reſtitution of his Temporalties, and the Stock thereon, which he bought of the King. * See Thomas Stubs Actus Pontif. Ebor. col. 1727, 1728.

REX electioni nuper celebratæ in Eccleſia Conventuali de *Dunelm.* de diſcreto viro *Antonio Bek*, Archidiacono ibidem in Epiſcopum ejuſdem loci Regium aſſenſum adhibuit et favorem. Et hoc ſignificatum eſt Domino Archiepiſcopo *Eborum Angliæ* Primati, ut quod ſuum eſt in hac parte exequatur. In cujus, &c. Teſte Rege apud *Ceſtriam* 28 die *Auguſti*, per ipſum Regem. Pat. 11 E. 1. m. 13. De aſſenſu electioni adhibito.

REX dilectis & fidelibus ſuis *Guiſchardo* de *Charron.* & *Malcolmo de Harlegh* ſalutem. Cum venerabilis Pater *Eborum* Archiepiſcopus *Angliæ* Primas electionem nuper celebratam in Eccleſia Conventuali *Dunelmenſi* de diſcreto viro *Antonio Bek* Archidiacono *Dunelmenſi* in Epiſcopum ejuſdem loci, cui prius Regium aſſenſum adhibuimus et favorem confirmaverit, ſicut per Literas Patentes ipſius Archiepiſcopi nobis inde directas accepimus: Nos confirmationem illam acceptantes, cepimus fidelitatem ipſius Electi, & Temporalia Epiſcopatus prædicti prout moris eſt reſtituimus eidem. Et ideo vobis mandamus quod eidem *Antonio* Temporalia Epiſcopatus prædicti ſine dilatione deliberetis, ſicut prædictum eſt. In cujus, &c. Teſte Rege apud *Stanlagh* 4 die *Septemb.*

Et mandatum eſt Militibus, &c. Pat. 11 E. 1. m. 1. De Temporalibus Epiſcopatus Dunelmenſis reſtituendis.

REX dilectis & fidelibus ſuis *Gwichardo de Charron* & *Malcolmo de Harlegh* nuper Cuſtodibus ſuis Epiſcopatus *Dunelmenſis* ſede vacante ſalutem. Cum ceperimus fidelitatem dilecti & fidelis noſtri *Anton. Bek. Dunelmenſis* Electi, & eidem Fines 11 E. 1. m. 7. Pro Antonio Bek Electo Dunelmenſi.

An. 11 *E.* 1. Temporalia Episcopatus illius restituerimus, vobis mandamus quod blada, boves, & alia averia ac totum instaurum quæ ab Execut. Testamenti *Dunelmensis* Episcopi nuper defuncti ad opus nostum emistis, dicto Electo per idem precium quo ea recepistis liberetis. Ita quod vobis ad opus nostrum respondeat de precio supradicto vel executor. prædictis, si nondum inde respondueretis eisdem. Salvis nobis missis quas fieri fecimus pro waynagio & collectione fructuum aliquorum ibidem. Teste Rege apud *Macleffend*, 10 die *Septembris*.

* Godwins Catalogue, p. 377.

Richard Swinefeld being * elected and confirmed Bishop of *Hereford* by the Kings license and assent, he issued this Writ to restore his Temporalties.

Pat. 11 E. 1. m. 13. De Temporalibus Episcopatus Hereford. restituendis.

REX dilecto Clerico suo *Waltero de Rudmarl.* Custodi suo Episcopatus *Herefordensis* salutem. Cum venerabilis Pater *J. Cantuarienſis* Archiepiscopus electionem nuper factam in Ecclesia Cathedrali *Herefordiæ* de Magistro *Ricardo de Swinefeld* Canonico ejusdem Ecclesiæ in Episcopum ejusdem loci, cui Regium assensum prius adhibuimus et favorem, confirmaverit, sicut per Literas Patentes prædicti Archiepiscopi accepimus; Nos confirmationem illam acceptantes cepimus fidelitatem ipsius Electi, & Temporalia ejusdem Episcopatus restituimus eidem. Et ideo vobis mandamus; quod eidem Electo Temporalia ejusdem Episcopatus liberetis in forma prædicta. In cujus, &c. Teste Rege apud *Rothelan.* 8 die *Januarii.*

Et mandatum est Militibus, &c.

* Antiq. Britan. Ecclesiæ, pag. 200, 202, 203, 204.

* *John Peckham* Archbishop of *Canterbury* to fill his empty Purse, and extend his Archiepiscopal authority beyond his Predecessors, resolved thereupon to visit all his *Province* more accurately, and punish offenders more severely than in former times, to prevent all obstructions by Appeals to *Rome*, *Visitationem hanc susceptarus, prospiciendum sibi maximè putavit*, ut Papæ ne ab eo turbaretur, in quibuscunque mandatis obsequeretur. Whereupon having obeyed his Commands to the King in admonishing him to restore the Dismes he had seised for relief of the *Holy Land*, he proceeded in his Visitation. In visitatione autem, quam peractis Papæ mandatis, exorsus est, primum Judæos in perpetuum exilium acturus scripsit Episcopo Londinensi, ut eorum omnes Synagogas eversas et demolitas solo adæquaret; (an high usurpation upon the Kings Prerogative.) Quod decretum paulo post, Rege procurante, mitigatum est, ac Judæis permissum unum Templum in publico aliquo Civitatis loco, in quo suos ritus, amputata tamen Ceremoniarum multitudine, celebrarent. In hac Visitatione Crimina et Excessus permultorum Clericorum atque Laicorum acriter castigavit. Primum, quia plura Beneficia retinendi licentia in Anglia impune contra jura permissa Clericis fuit, eam non ab infimis modo sed a summis sumpto supplicio eradicavit; (a very commendable Action worthy imitation.) Nam *Richard. More* sacræ Theologiæ Professorem, Episcopum *Winton.* electum, necnon *Johannem Kirkbey* Capellanum Regis, ad *Lichefeldensem* Episcopatum etiam Electum, quia in Beneficiis plurales ante fuerant, confirmare noluit, sed rejecit. Quorum utrique, cum ad Papam appellassent, appellationes longo tempore prosecuti, eas tandem tædio deserere, et judicatæ a Johanne contra se Sententiæ stare inviti coacti sunt; (a memorable President, wherein the Pope only aimed at his own Grandure and Ends, usurping a power to dispose of these Bishopricks upon this pretext, by his own Provision, to those who would give most for them.) In hujus autem locum *Johan. Pontisarius* ab ipso Papa *Wintoniensis* Episcopus creatus est, qui Wintonienses Monachos gravissime infestavit, et Episcopatus jura atque prædia mirum in modum ex Monachorum spoliis auxit, ut ex illius Ecclesiæ monumentis apparet. Cumque hos in jure vicisset, inferiores Clericos, qui plura Beneficia simul tenebant, aggressus est. Quos omnes, uno Beneficio contentos esse compulit, (according to his * Constitutions made in the Council of *Lambeth.*) In quo proposito stetit durior, quod Romæ Cardinales quidam (ut ex ejus literis intelligi possit) eum coram Papa accusassent, quod hunc Anglicani Cleri excessum mitius toleraret. Quam iniquam Criminationem ut hitaret, plurales non modo Beneficiis amovit, sed hujusmodi maledictis, Filios Belial, Contemptores Canonum, Usurpatores, et Beneficiorum Sacrilegos appellat. Nec minus in Plurales quam in absentes, et non residentes acris Judex fuit, a primis et elatis-

* Archiv. f. 142

Nota.

* Here, p. 261, 262. See Godwins Catalogue of Bishops, p. 77, 78.

electissimis exorsus; (a commendable Action, worthy his Successors imitation.) Episcopum Lichefeld. * peregrinum et Anglicanæ linguæ ignarum, ideoq; extra suam Diœcæsim commorantem edicto publicato monuit; ut sub amotionis pœna ad Episcopatum rediret, ibique resideret. Cumque jam venisset, eum acerrime increpavit, quod etsi ideomatis inscius, pascere suæ Diœcæsis gregem verbi prædicationis nequisset, præsentia tamen sua Eleemosynis et liberalitate alere debuisset. Cumque Collegium *Wolverhampton* in *Lichefeldensi* Diocæsi, cujus jus Patronatus ad *Cantuar.* Ecclesiam olim spectabat, visitare voluisset, jure & privilegio exemptionis, quam vendicabant, à Canonicis vetitus & exclusus est. Cujus rei controversia cum *Romam* delata penderet, Johan. Theodosium de Camilla litem hanc Romæ prosequentem, duabus Rectoriis, in quibus non residebat spoliavit. Hoc tempore causa quædam inter Archiepiscopum *Eboracensem* & *Dunelmenses* Monachos controversa ad Archiepiscopum *Cantuariensem* per tuitoriam appellationem deducta est. Archiepiscopus autem aliis impedita negotiis causam Priori de *Southwerk*, Decano de Archubus, & Canonico cuidam Ecclesiæ *Paulinæ* delegavit; quibus etiam mandavit, ut in tuitionis eventum de causa principali cognoscerent. Similisque inter *Dunelmensem* Episcopum & *Eboracensem* Archiepiscopum controversia, Archidiacono *Cantuariensi* appellationis tuitoriæ jure commissa est, in qua Archidiac. *Cantuar.* de ea lite cognoscenti data est, *Eboracensem* Archiepiscopum suumque Officialem inhibendo à gerenda in *Dunelmensis* Episcopi præjudicium quacunque jurisdictione comprimendi potestas. Adulteria et stupra non minori severitate vindicabit, cum Cicestrensem Diœcæsin visitaret Rogerum Ham Presbyterum fornicarium ad triennalem pœnitentiam jurejurando adegit; quod temporis in jejuniis, orationibus, et longinquis ad Romam, Coloniam, et Compostellam peregrinationibus contereret, Benesciorum suorum Redditibus sibi prohibitis, et in pauperum usus sequestratis. * In *Sarisburiensi* etiam Parochiæ visitatione, compertum fuit *Osbertum Giffard* Militem, Moniales duas et Wintonienſi Cœnobio abduxisse; quem Cantuariensis Archiepiscopus Excommunicatione primo percussit; deinde sub his duris conditionibus relaxavit; Primo, ne in tota reliqua deinceps vita ullum Monialium Cœnobium ingrederetur, aut Monialis cujusquam consortio uteretur. Deinde ut tribus diebus Dominicis in Ecclesia Parochiali Wilton exutus vestibus, virgis verberaretur. Eandemque postea pœnam tam in foro quam in Ecclesia Parochiali de Shaftesbury publice subiret. Ad hæc multorum mensium jejunium ei injunctum est. Præterea omnibus militaribus insignibus detractis privatus, nec calcearia deaurata, nec gladium, nec cellam militarem, aut deauratas Phaleras habiturus. Ad extremum ut nec vestes coloratas sed tantummodo de roseto, cum agninis pellibus vel ovinis, nec utatur Camisia posteaquam fuerat castigatus per tres annos, ad ordinem suum militarem non rediret antequam tres continuos annos in Terra Sancta exegisset. Ante omnia, ut Moniales ad Cœnobium simili pœna mulctandas restitui atque remitti curaret. Hæc omnia se jurejurando facturum spospondit; jejuniorum nihilominus ab Episcopopo Saresbirienſi illi præscribendo modo. (An high Usurpation on Knights and Lay-Subjects priviledges.) Nec minorem in reprimendis jurisdictionem suam contemnentibus severitatem *Petrus* quidam de Sancto *Marco* Decanus de Arcubus exercuisse fertur, qui *Herefordensis* Episcopi Officialem suis monitis non parentem, primo 10, deinde aucta et perseverante Contumacia, 40 Marcis; (which he had no legal power to impose) tanquam Rebellem et potestatis suæ contemptorem, mulctabit; necnon Episcopum ipsum Herefordensem, quod Officialis suæ partes audacius tueretur, excommunicabit, ejus Capellam Interdicto Ecclesiastico supposuit; (a very high Papal Exorbitancy.) Hoc etiam tempore lis quædam inter *Lincolnienſem* Episcopum & Universitatem *Oxon.* aliquot annis de Jurisdictione Episcopi in Scholares Universitatis agitata est. De qua *Johannis Cantuariensis* cum Scholarium tum causam vacillare, nec jure stare posse intellexerat, Scholaribus rescripsit; *Si in jure contenderent, vinci eos ac superari necesse esse, præsertim cum his quibus niterentur privilegiis à Jurisdictione Episcopali jure communi stabilita, eximi nequaquam potuissent.* Ipseque perlustrata reliqua Provincia *Oxonienſem* Academiam jure Metropolitico visitaturus adiit. In qua Visitatione quasdam Philosophicas opiniones, quos errores & à *Roberto Kilwarby* ante reprehensos docuit, tanquam hæreses et à fide Christiana abhorrentes è suggestu latine refellit. (What these opinions were you may read in Sir *Henry Spelmans Councils*, Tom. 2. P. 347.

An. 11 *E.* 1.

*See Godwins Catalogue, p. 260.

* See Godwins Catalogue of Bishops, p 77, 78.

An. 11 *E.* I. p. 347, 348.) Inter has una erat, in homine esse tantummodo formam unam. Quam Frater *Johannes* non concoxit, ne colligeretur inde, corpus Christi non fuisse unum numero vivum & mortuum, nec sanctorum corpora eadem tota vel secundum partes in orbe existere vel in urbe; sed alia quædam quæ non pepererunt matres, sed de novo peperit phantasia; (the first President of this kinde, to adjudge and declare new Heresies in a Visitation, without a Synod or Council.) Sed istæ Hæreses philosophicæ ab *Oxonienſium* Scholis in Prædicatorum & fratrum turbas profecti & disseminati fuerunt. Inter quos *Richardus Knapwell* Doctor Ordinis Prædicatorum octo opiniones contra *Johannis Peckham* assertiones defendit. Hunc itaque *Johannes Peckham* **ad suum tribunal vocavit, eoque non accedente, eum suasque opiniones cum suo Clero damnavit.** Sed [a] *Hugo de Manceſtria* ejus Ordinis Provincialis interceſſit, & *Cant.* **restitit. Allegavitque, neminem in sui Ordinis fratres præter solum Papam potestatem habere. Itaque appellatione interposita supersedit negotio** *Cantuarienſis*, **atque conticuit. Nec quicquam deinceps in homunculum fratrem valuit ejus authoritas, qui in Regem et Episcopos omnia poterat.** Idem acutus frater & Theologus, cum è sacris Scripturis probare vellet, **non esse permissum Clericis duo Beneficia Ecclesiastica retinere,** protulit hanc ex Evangelio sententiam; *Qui habet duas tunicas, unam tribuat non habenti; & qui habet escas similiter. Richardus* ille frater inter alia quæ de nugis Philosophicis scripsit, addidit unum de formarum unitate libellum, **ut omnibus liquido constare posset, eum nullis** *Cantuarienſis* **minis deterritum in sententia sua perseverasse.** His in Provincia visitanda gestis, scriptis ad plerosque Suffraganeorum literis, **ne se, suos Officiales et tribunalia muneribus,** (quæ cum insigni Prælatorum opprobrio diu nephariè percipi in visitatione intellexerat) **deinceps inquinari permitterent, admonuit; quod si suæ monitioni non parerent, se admissa deinceps in muneribus percipiendis scelera severius animadversurum.** In literis etiam ad *Ordoneum* Cardinalem *Tuſculanum* Episcopum scriptis, queritur de quodam, quem Remigem, suam navem atque Puppim subversurum, nominat, **qui muneribus moveri, ac duas pelves aureas plenas flozenis accepisse ait. Idem ad Romanæ Curiæ Vicecancellarium scribit, comperisse se fuisse in Anglia multa privilegia per falsarios fabricata. Sed commoti Suffraganei, quod non modo tam crebris visitationibus, sed etiam quotidiana jurisdictione partes suas in eorum Diocæsibus tam sæpe interponeret, querelam 25. Articulis comprehensam in eum proponebant. Cujus querelæ vim et eventum, cum in seipsos recidisse intellexissent,** (by reason of his extraordinary favour with the Pope, his creator) **ea omissa luctari amplius cum Metropolitano noluerunt.** Inter hos Suffraganeos *Londinenſis* tum Episcopus gravatè tulit quendam *Henricum de Stookes* suæ *London.* Diocæsis Rectorem, **de Beneficiorum pluralitate coram Decano de Arcubus in jus vocatum fuisse.** Qua de re scripsit *Johanni Peckham* **se id non laturum, sed nisi desistat tam in hac quam in aliis causis de suis Clericis subdolè cognoscere, se appellationis ad Curiam Romanam sacram Anchoram petiturum.** Cui *Johannes* stupuisse se, scribit, de illa minaci & præjudiciali pagina. *Sane*, inquit, *duo per nos vobis illata fuisse gravamina causamini*: Primo, quod *Henricum Stookes* de pluralitate Beneficiorum ad nostrum evocavimus examen: Secundo, quod ipsum per Decanum de Arcubus citari fecimus; adjungentes, quod subditus Suffraganei Metropolitano non subest, quasi velitis jura *Cantuar.* Ecclesiæ, quæ tueri et defendere juratis, ad simplices Metropolitani limites coarctare. Decani autem de Arcubus processibus consuetis parare obicem nullatenus præsumatis: Pro certo scituri, quod jura Ecclesiæ *Cantuar.* partim scripta, partim a doctoribus authenticis notata, partim pacificè obtenta longo provinciæ usu intendimus contra omne hominum genus quantum poterimus constanti animo defensare. Thus did this Papal Arch-prelate, presuming on the Popes favour, domineer in this his Visitation over his whole Province, and subjugate it to his arbitrary power, which none of his predecessors attempted, much lesse effected till then. Having visited *England*, [a] *Archiepiſcopus per* Cestriam *tranſiens Anno* 1284. *venit* Walliam, ad reformandum statum Ecclesiæ.

In this Visitation (as I conceive) he made and published a Decree, what Ornaments of Churches the Parishioners should provide and pay for, and what the Priests or Encumbents; wherein you may observe how many Popish unnecessary superfluities he imposed on the people, without and against the Law or their assents,

to

*See Jo. Balæus Script. Brit. Cent. 4. c. 64. Appendix p. 350.

[a] Henry de Knyghton de Event. Angl. l. 3. c. 12. col. 2465. Spelmanni Concil. Tom. 2. p. 346.

to their great unneceſſary expence. * *Statuta fratris* Johannis Peckham Cantuarienſis *Archiepiſcopi, ad doctrinam præſentium & memoriam futurorum. Cum plurimumque altercatio inter Rectores Eccleſiarum in provincia* Cantuarienſi *conſtitutos, eorumque Parochianos, ſuper variis ornamentis rebuſque Eccleſiaſticis, que, & quanta, & quomodo ad Rectores pertineant infraſcripta; que autem ad eorum Parochianos; & ſic altercatum plerumque teneas pro doctrina que ſequitur, ut docti exiſtant Parochiani in ſingulis ſubſequentibus certiores; ſciant, intelligant, & obſervent taliter univerſi,* quod Calix, Piſſale, Veſtimentum ipſius Eccleſiæ principale, *viz.* Caſula, Alba munda, Amictus, Manipulum, Zona, cum duabus Tuellis, Crux proceſſionalis, alia Crux minor pro mortuis, Feretrum, Thuribulum, Lucerna, cum Tintinnabulo, Velum quadrageſimale, Manuales, Vexilla, Campanæ, Vas ad aquam benedictam, cum ſale et pane, Oſculatorium pacis, Cereum Paſcale, cum Candelabro, Campanæ in Campanili et cordæ, Fontes cum ſeruris earundem, Reparatio navis Eccleſiæ interius et exterius, tam in Altaribus quam in Imaginibus; Feneſtraque vitreæ, cum Clauſuris Cimiteriorum, ad ipſos Parochianos pertinent omnia ſuprадicta. *Cætera autem omnia,* tam in reparatione Cancelli, quam Ornamenta hujuſmodi, interius et exterius, *ſecundum diverſas ordinationes & conſtitutiones approbatas,* debent a locorum Rectoribus ſeu Vicariis reparari.

An. 11 *E.* 1.

* Spelmanni Concil. Tom. 2. p. 343. See Guil. Lindewodel 3. Tit. De Eccleſiis ædificandis, f. 181, 182, 183.

William Wickwane Archbiſhop of *York*, taking more care to provide for the ſtocking and improving of the Mannors and Temporalties of the Archbiſhoprick, for the benefit of his ſucceſſors, then for feeding of the peoples ſouls, having ſtocked his Demeſns with Oxen, Horſes, Sheep to manure and improve them, to perpetuate them to his ſucceſſors, made this Ordinance by the Dean and Chapter of *York* and the Kings conſent, which the King confirmed at *Alton Burnell*, by his Royal Charter and Authority.

REX *Archiepiſcopis, &c. ſalutem. Inſpeximus ſcriptum quod venerabilis pater* Willielmus Eborum *Archiepiſcopus* Angliæ *Primas, fecit in hac verba.* Ad perpetuam memoriam ſubſcriptorum in Dei nomine Amen. Dominus ac Redemptor altiſſimus qui omnia ritè compoſuit & recto ordine ſtabilivit ſuos nonnunquam temporaliter tangit, ut quos intrinſeca meditatio ad pias occupationes non allicit caſus excitet exterior, qui contingit, quod penes eos qui ad ſucceſſionem hæreditatis Dominicæ hiis diebus vocantur, præcipuè eſt penſandum ſi ſtatui viduatarum Eccleſiarum proſpicere conſiderent, & perplexos ſuperiorum Prælatorum ingreſſus examinent intimius ad eaſdem. En nunquid Prælati noſtri temporis nudam ſucceſſionem ſcilicet in Eccleſiarum temporalibus nudi poſt fuſcum adeunt, & nonne dum ſola gleba pro cultura neceſſariis deſtituta, relinquitur prolixioribus quaſi mendicando temporibus curam gerunt. Hoc ſiquidem innocentium oculi perhibent, & cotidiana revolutio in talibus evidencius manifeſtat, ex quibus plerumque accidit, **quod ſpirituale meritum quod eminencius in Prælato requiritur, in temporale commercium laxius eſt converſum.** Ea propter nos *Willielmus* permiſſione divina *Eborum* Archiepiſcopus *Angliæ* Primas, præfatis piè tacti oppreſſionibus & anguſtiis quas tam apud prædeceſſores noſtros didicimus, quàm in nobiſmet ipſis re ipſa ſenſimus in ingreſſu, **pro ſalute animæ noſtræ, et animarum Sereniſſimi Principis Domini** *Edwardi* **Dei gratia Regis** *Angliæ* **illuſtris,** & Dominæ *Alianoræ* conſortis ſuæ, necnon pro animabus bonæ memoriæ Domini *Walteri de Grey* prædeceſſoris noſtri, & Domini *Willielmi de Rotherfeld* quondam Decani *Ebor.* aç ad ſucceſſorum relevamen perpetuum, & *Ebor.* Eccleſiæ, cui diſponente Domino præficimur conſolationem proficuam in futurum, intentis niſibus circa iſta dies duximus occupati. **Accedente igitur ſpeciali conſenſu et licentia Domini** *Edwardi* **Regis** *Angliæ* **prædicti,** ac Decani & Capituli noſtri *Ebor.* voluntate unanimi occurrente, ſic ordinando cenſuimus providendum; videlicet, *quod quingenti & duo boves per majus centum, & quinquaginta quatuor equi ad agriculturam omnium Dominicarum terrarum ad Archiepiſcopatum* Ebor. *neceſſarii, quos boves & equos una cum mille bidentibus, videlicet, quingentis multonibus & quingentis ovibus matricibus Archiepiſcopis* Ebor. *nobis canonicè ſucceſſuris, & Eccleſiæ noſtræ* Ebor. *in hiis ſcriptis donamus, aſſignamus, de bonis noſtris liberaliter conferimus & legamus, tam vacante ſede* Ebor. *quam etiam ipſa plena in eodem numero integro quem ſuperius expreſſimus, cum*

Rot. Chart. Anno 10 E. 1. num. 8. De Ordinatione facta de inſtauro in Archiepiſcopatu Ebor. imperpetuum remanendo.

prædictis

An. 11 E. I. *prædictis mille bidentibus in maneriis ad Archiepiscopatum* Ebor. *pertinentibus, ut inferius statim distinguitur, salvi ad usum & commodum maneriorum perpetuis temporibus conserventur.* Remaneant scilicet in Balliva de *Chirchedon* apud *Chichedon* duo equi carectarii cum carecta, & triginta & sex boves, cum quatuor carrucis & atilliis. Item apud *Norton* octodecim boves, cum duabus carrucis & atilliis. Item apud *Surdington* novem boves, cum una carruca & atilliis. Item apud *Cerney* & *Cumpton* viginti & septem boves, cum tribus carrucis & atilliis, & duo equi carectarii cum carecta. Item apud *Otingdon* duo equi carectarii cum carecta, & viginti & septem boves, cum tribus carrucis & atilliis. Item remaneant in Balliva *Suwell* apud *Suwell* duo equi carectarii cum carecta, & triginta & sex boves, cum quatuor carrucis & atilliis. Item apud *Ascham* quatuor equi carectarii, cum carectis duabus, & triginta & sex boves, cum quatuor carrucis & atilliis. Item apud *Scroby* duo equi carectarii, cum una carecta, & octodecim boves, cum duabus carrucis & atilliis. Item remaneant in Balliva de *Shireburn* apud *Shireburn* quatuor equi carectarii, cum duabus carectis, & quadraginta & quinque boves, cum quinque carrucis & atilliis. Item apud *Swychemund* octodecim boves, cum duabus carrucis & atilliis. Item apud *Cawode* viginti & septem boves, cum tribus carrucis & atilliis, & octo boves, cum duobus plaustris. Item apud *Grangiam Ebor.* duo carectarii, cum una carecta, & viginti & septem boves, cum tribus carrucis & atilliis. Item remaneant in Balliva de *Wilton* apud *Wilton* viginti & septem boves, cum tribus carrucis & atilliis, & duo equi carectarii, cum una carecta. Item apud *Wetewang.* octo equi, cum duabus carrucis & atilliis. Item remaneant in Balliva de *Beverlaco* apud *Beverlacum* quatuor equi carectarii, cum duabus carectis, & viginti & septem boves, cum tribus carrucis & atilliis. Item apud *Burton* quatuor equi carectarii, cum duabus carectis, & triginta & sex boves, cum quatuor carrucis & atilliis. Item apud *Skyteby* quatuor carectarii, cum duabus carectis, & viginti & septem boves, cum tribus carrucis & atilliis. Item apud *Patingreton* octodecim boves, cum duabus carrucis & atilliis. Item remaneant in Balliva *Ripon* apud *Ripon* decem equi carectarii, cum quinque carectis, & quatervigînti & novemdecim boves, cum undecim carrucis & atilliis. Item apud *Otteley* duo equi carectarii, cum una carecta, & octodecim boves, cum duabus carrucis & atilliis. Item remaneant in Balliva de *Hextildesham* apud *Hextildesham* octodecim boves, cum duabus carrucis & atilliis. Item remaneant apud *Patrington* quingentæ oves matrices, & apud *Wilton* quingenti multones de mille bidentibus antedictis. *Qui quidem boves, equi & bidentes post decessum nostrum* ad custodiam Domini Regis transeant, ipsisque utatur Dominus Rex in locis prædictis quamdiu Ebor. fuerit sedes vacans, et eos adeo bonos sicut eos recepit, et in eodem numero integre restituat nostro proximo successori. *Idem autem successor noster suis temporibus hiis utatur, & cum obierit vel cesserit illos in adeo bono statu quo eos recepit,* Domino Regi dimittat in numero integro antedicto, et Rex similiter proximo successori, et sic deinceps. *Ita quod nos, nec Dominus Rex, nec Custodes, per ipsum seu per hæredes suos deputandi sede vacante quandocumque, nec aliquis successor noster prædictos equos, boves, bidentes, vel aliquem singularem bovem, equum, vel bidentem possit* vendere seu de hiis in testamento disponere, vel quobismodo alienare vel occidere, seu qualitercumque subtrahere quo minus prædictus numerus boum, equorum et bidentium, salvus semper et integer remaneat ut superius est expressum; *set si capud aliquod subtractum fuerit aliquo modo præmissorum is sub quo subtractum fuerit, statim subroget æquè bonum. Cum verò aliqua capita vel capud aliquod prædictorum boum, equorum, vel bidentum casualiter vel alio modo interire contigerit, is sub cujus custodia casus seu dampnum evenerit,* Dominus Rex scilicet si suo tempore, Archiepiscopus quidem quilibet si suo tempore, aliud adeo bonum et competens capud subroget loco sui. Ordinamus etiam de prædicti Domini Regis licentia et consensu, *Capitulo nostro unanimiter annuente, quod Custodes quicumque fuerint Archiepiscopatus per Reges in vacacionibus* Eborum *Ecclesiæ deputandi,* per suum corporale juramentum coram Regibus ipsis singulis vicibus præstandum, ad præmissorum observacionem recitatis coram eis prædictis articulis specialiter obligentur. Et Archiepiscopi nobis successuri, tam in admissione temporalium a Regibus quam intronizatione sua Eborum, omnia superius ordinata servare solempniter et publice remittant. *Quæ omnia præmissa per nos ordinata & provisa utinam provide & distincta de Rege in Regem, & de Archiepiscopo in Archiepiscopum sub obtestatione divinæ vindictæ*

in

in die districti Judicii, ubi sanctissimus ille Apostolorum Princeps *Petrus *claviger aethereus* patronus noster, de cujus honore agitur *contravenientes in facie accusabit, imperpetuum fideliter observentur. In præmissorum vero fidem & testimonium sigillum nostrum apponi fecimus hnic scripto. Dat. apud* Novum locum *in* Scirewod. 9 *Kal.* Octobr. *Anno gratiæ M. CC. octogesimo tercio, & Pontificatus nostri anno quinto.* Nos autem ordinationem prædictam ratam habentes et gratam, eam pro nobis et hæred. nostris quantum in nobis est concedimus et confirmamus, sicut scriptum prædictum rationabiliter testatur. *Hiis testibus venerabili patre* R. Bathon. & Wellen. *Episcopo Cancellario nostro*, Edwardo *fratre nostro*, Gilberto de Clare *Com.* Glouc. & Heref. Henr. de Lacy *Com.* Linc. Rogero le Bigot *Com.* Norff. & Marescallo Angliæ, Johanne de Warren. *Com.* Surr. Johanne de Vescy, Ottone de Grandisono, Roberto *fil.* Johannis, Ricardo de Bosco, Eustach. de Hacche, & *alios. Datum per manum nostram apud* Acton Burnell *sexto die* Octobris.

An. 11 *E.* 1.

*The Archbishop of York St. Peters Vicar & successor as well as the Pope: See Tom. 1. p. 32, 33.

[a] *William Thorne* (a Monk of *Canterbury*) informs us, that Anno 1283. *Nicholas* Abbot of St. *Augustines Canterbury*, *ut confratres sui commodius possent vacare orationi & contemplationi, & ut in diversis libris quandoque studendi operam darent, ordinavit & statuit de consensu* (*Conventus*) *unanimi ad supradicta melius & uberius custodienda, ut de divinis Officiis, quæ scilicet de regulæ nostræ substantia non existant aliqualiter moderantur*; abbreviating their long Divine Service in sundry particulars formerly used, upon this account, *quod divinum officiũ morosius & devotius ab omnibus sustentetur, & etiam in reliquo tempore in studiis & bonis occupationibus diligentius quisque se occuparet:* For which he was so farr from blame, that this Historian gives this Encomium of him; *De præcedentibus non recolo me per eorum actus in regimine vidisse illum excellentem, nec vero in subsequentibus, surrexisse sibi coæquales.* After which he being troubled in conscience about the unusual way of his election and confirmation at *Rome*, (as [b] elected Abbot in forma compromissi by the Treasurer and 5. Monks more, *per speciale mandatum Prioris & Conventus, qui huic electioni secundum formam compromissi suum præbuêre consensum*; not by the whole Covent assembled together, as in the usual form.) *Istis sic actis, volens idem* N. *suam electionem celeriter expedire, habito processu electionis*, literisque Regiis ac Magnatum simul optentis, apostolico conspectui se præsentavit: *Processu in Curia diligenter examinata die S.* Ambrosii *confirmatus, Sancto die* Paschæ *ab Episcopo* Portuensi *Cardinali* de mandato Papæ Nicholai Romæ *benedictus est*, (no doubt for a great reward then given, which troubled his conscience.) Upon this account above 10. years after, he procured the Kings license to repair to Pope *Martyn*, where, without the Kings privity, and against his Prerogative, he resigned his Abby to the Pope, who by his Bulls (without the Kings royal assent, or Monks election) constituted *Thomas de Fyndone* Abbot; for which high usurpation on the Kings prærogative, the Temporalties of the Abbey were seised and detained in the Kings hands, till he paid a Fine of 400 Marks for this contempt, besides the mean profits amounting to 300 *l.* thus related by the same Monkish Historian. [c] Nicholaus de Spina *pastor hujus Ecclesiæ per decem annos, & de sequenti per quatuor vel quinque septimanas gregem sibi commissam strenuissime rexisset*, et ea quæ prius in Romana Curia, ob zelum tamen Domus suæ ibidem fecerat, mente revolbens, quia vir erat strictæ conscientiæ, videns seipsum pro hujusmodi causa in conscientia sore læsum, nec ulterius Pastoralis officium posse sibi de cætero justo titulo competere; ipse petita licentia a Rege et obtenta, (eodem autem Rege causam sui transitus minime cognoscente) transfretavit; ipsoque coram Summo Pontifice conscientiam suam demonstrante, et eodem Pontifice super hujusmodi offensa cum eodem Nicholao libenter voluisse dispensasse; tamen ipse omnibus sepositis continue cessionem suam cum maxima instantia procuravit. *Tandem die* Pancratii *Martyris* Dominus Apostolicus Martinus Papa 4. suam cessionem admisit. *Qua admissa*, idem Papa fratrem Thomam de Fyndone *tunc tertium Priorem Sancti* Augustini Cant. *in* Anglia *existentem* præfecit in Abbatem apud Urbem veterem, *Anno Pontificatus sui tertio. Injunxit verò idem Papa eidem* N. in sua cessione, ut nominaret sibi personam magis habilem Monasterii cui præsidebat. *Ille vero prædictum* Thomam *denominavit esse virum prudentem, moribus, scientia, & ætate multipliciter decoratum, in temporalibus & spiritu-*

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[a] a Chronica, c. 27. Sect. 7. col. 1935, &c.

[b] b Chron. W. Thorn, c. 26. col.

[c] c Chron. W. Thorn, c. 28. col. 1937, 1938, 1939.

An. 11 E. 1. *alibus circumspectum. Et quia idem* Papa *notitiam illius personæ temporibus retroactis memorialiter habebat, eidem denominationi libenter annuit & consensit :* Egressæ sunt ergo Bullæ Papales, et in Octabis Apostolorum Petri et Pauli, eidem Thomæ extiterant præsentatæ, quæ fuerunt lectæ statim eodem die, præsentibus Comite Cornubiæ, Stephano de Penecester, tunc Constabulario Dovoriæ, Magistro Johanne de Lacy, *& multis aliis; & statim idem Dominus* Thomas, sic creatus in Abbatem, (of which he made no conscience, though against the Kings prerogative, and priviledge of the Abbey) arripuit iter versus Regem; ad ostendendum illi Bullam Apostolicam ; *quem invenit apud* Snouden *apud* Karnarvan 29 *die* Junii, qui Bullam cum dicto Abbate benigne admisit. *Et prædictus Dominus* Thomas *Abbas eidem Regi totum processum cessionis prædicti* N. *& etiam suæ creationis ore tenus expressit. Istis sic habitis benedictus est* Londoniæ *die Sancti* Ambrosii de mandato Domini Papæ ab Archiepiscopo Dublinensi. Notwithstanding, upon better consideration, Cum vero fama laborasset sic de supradicta cessione, venit Escaetor Regis die Nativitatis Sancti Johannis Baptistæ, et Abbatiam in manus Domini Regis seisivit, et eam tenuit tanquam Escaetam usque diem Mercurii proxime sequentem : *quo die venit* P. Huntingfeld *Vicecomes* Cantiæ, *& prædictam Abbatiam custodiendam recepit per tale Breve.*

Pat. 11 E. 1. m. 7. *Edwardus, &c.* Cum Abbas Sancti *Augustini Cant.* Abbatiam ejusdem loci in manum Domini Papæ resignaverit, ut accepimus, tibi præcipimus, quod Abbatiam prædictam cum pertinentiis in manum nostram capias, & salvo custodiri facias, donec aliud inde tibi præceperimus, ità quod de Exitibus ejusdem nobis respondere possis a tempore resignationis prædictæ ; Inquirens diligenter de tempore quo vacare incepit.

Et idem P. *istam Abbatiam sic habuit custodiendam usque xx. diem* Julii, *quo die* Dominus Rex per Breve suum *tradidit Dominis* Johanni de Bourne, & N. de Ryngelton *dictam Abbatiam ad custodiendam. Qui eam custodiebant usque ad diem Sanctæ* Fidis *Virginis, qua die* Thomas de Fynden *Abbas*, fecit finem cum Domino Rege apud Acton Bournel. in Parliamento, pro eo quod sic fuerat creatus in Abbatem, licentia Domini Regis minime petita, pro 400 marcis ; *de quibus Rex remisit* 100. *ad instantiam Domini Episcopi* Bathoniæ *nunc Cancellarii Regis. Et sic liberata fuit eidem* Thomæ *Abbathia sua per literam Domini Regis patentem ; Cujus tenor talis est.*

Pat. 11 E. 1. m. 8. *Edwardus, &c.* Militibus, liberis hominibus, & omnibus aliis Tenentibus de Abbatia Sancti *Augustini Cant.* salutem. Sciatis, quod cum Summus Pontifex per cessionem Nicholai nuper Abbatis dictæ Abbatiæ qui eam in manum suam resignavit, de persona Thomæ de Fyndene, Monachi dicti Monasterii tunc in Anglia existentis eidem Monasterio provideri, et ipsum præfecit in Abbatem, sicut per literas suas patentes nobis significavit : Nos eidem Thomæ Abbati Temporalia ejusdem Abbatiæ, cum Juribus, Libertatibus, et omnibus aliis ad eandem pertinentibus, sicut prædecessores ejus tenuerunt, reddidimus. Et ideo vobis mandamus, quod eidem *Thomæ* Abbati tanquam Domino vestro in omnibus, quæ ad Abbathiam illam pertinent, intendentes sitis & respondentes.

Et sciendum est, quod Dominus Rex liberavit Abbathiam prædicto Domino Thomæ *Abbati*, salvis sibi Exitibus Temporalium, a die Sancti Pancratii, *quo die Abbatia capit vacare, usque diem Sanctæ* Fidis *Virginis, quo die liberata fuerit Abbathia prædicta Abbati apud* Acton Burnell, *ut supra notatur, expensis Abbatis & Conventus & eorum familiæ necessariis per idem tempus deductis ; de quo tempore prædicti Abbas & Custodes, una cum* Petro de Huntingfeld *Vicecomiti* Kantiæ *responderunt, videlicet de Tallagio assesso per idem tempus per diversa maneria xli l. xvi s. viii d. de Placitis & perquisitis omnium Curiarum xxx l. vi s. vi d. ob. Et de redditu assiso & forinseco lxxx l. x s. viii d. Et de venditione Bladi & Redditu in quibusdam Maneriis, præter sustentationem Monachorum & eorum familiæ liiii l. xiii s. ob. Et de omnibus aliis Exitibus & Consuetudinibus per idem tempus de diversis parcellis lxxxx l. xii s. iv d.* Et est totalis Summa CCC l.

How ill the King resented this Innovation and usurpation of the Pope, and what care he took to prevent it for the future, by advice of his Council, before he would restore this Abbot (made by the Popes provision, without his royal assent, or due election)

election) to the Temporalties, after his Fine for this contempt; this Record more fully informs us then this partial Monkish Historian. *An.* 11 *E.* 1.

REX *omnibus, &c. salutem. Cum* Nicholaus *nuper Abbas S.* Augustini Cantuariensis, cui licentiam dedimus peregre proficiscendi ad Sanctum Benedictum in Monte Cassino, ad Curiam Romanam accedendo, Abbatiæ suæ dictæ in præsentia Summi Pontificis, nobis inconsultis, cesserit; per quod idem Summus Pontifex *de persona dilecti nobis in Christo* Thomæ de Fyndon *Monachi dicti Monasterii*, tunc in Anglia existentis, eidem Abbatiæ provibit, bacatione dictæ Abbatiæ nobis minime nunciata, nec petita vel optenta per Priorem et Conventum ejusdem Monasterii a nobis, prout moris est, licentia eligendi sibi alium in Abbatem, nec etiam assensu Regio, prout ad Coronam et Dignitatem nostram pertinet, requisito; quod in exheredationis nostræ periculum (quod absit) de facili redundaret. Nos audito rumore de Vacatione prædicta, ne ex facto hujusmodi periculum Exheredationis posset in posterum in casu consimili nobis et hæredibus nostris imminere, Abbatiam illam in manum nostram cepimus, et Custodes nostros deputabimus ad ipsam Abbatiam custodiendam. Ita quod de Exitibus inde provenientibus nobis responderent ad Scaccarium nostrum, et per finem Quadringenta Marcarum, quem idem Thomas Abbas dicti Monasterii nobiscum fecit; de quibus Centum Marcas eidem pardonavimus ad instantiam venerabilis Patris R. Bathon. et Wellen. *Episcopi Cancellarii nostri*; et remisimus et pardonavimus prædictis Thomæ *Abbati & Conventui* transgressionem nobis factam in hac parte; salva nobis et hæredibus nostris in omnibus Regia dignitate, ut Prior et Conventus Abbatiæ prædictæ, qui pro tempore erunt, in singulis vacationibus futuris ejusdem Abbatiæ, vacationes illas nobis nuncient, et eligendi licentiam petant, necnon et Regium assensum requirant: Et salva nobis et hæredibus nostris custodia dictæ Abbatiæ, et perceptionem Exituum temporalium ejusdem in vacationibus prædictis, prout fieri debet et consuevit temporibus retroactis. *In cujus, &c. Teste Rege apud* Acton Burnel *7. die* Octobris. Pat. 11 E. 1. m. 8 Pro Abbate S. Aug. Cantuar.

Nota.

After which, the King issued this special Writ to restore the Temporalties of the Abby to this intruded Abbot, reserving the mean profits thereof to himself.

REX dilectis & fidelibus suis *Johanni de Bourne*, & *Nicholao de Ryngelton*, Custodibus Abbatiæ Sancti *Augustini Cantuariensis*, salutem. Cum Summus Pontifex per cessionem Nicholai nuper Abbatis dictæ Abbatiæ, eam in manum suam resignantis, de persona Thomæ de Fyndone Monachi dicti Monasterii, tunc in Anglia existentis, eidem Monasterio provideri, et ipsum præfecerit in Abbatem, sicut per literas suas patentes nobis significaverit; Nos eidem *Thomæ* Abbati Abbatiam illam cum pertinentiis, in forma per nos et Consilium nostrum provisa, reddidimus. Et ideo vobis mandamus, quod eidem *Thomæ* Abbati Temporalia ejusdem Abbatiæ, cum Juribus, Libertatibus & omnibus ad eam pertinentibus, sicut prædecessores ejus tenuerunt, restituatis, Salvis nobis Exitibus Temporalium dictæ Abbatiæ, a die Sancti *Pancratii* Martyris in *Maio*, (quo die cæpit vacare) usque ad diem Sanctæ Fidis Virginis. Expensis Abbatis et Conventus, et eorum necessariæ familiæ per idem tempus duntaxat deductis, sicut vobis per literas nostras demandavimus. In cujus, &c. Teste Rege apud *Acton Burnell.* 8. die *Octobris.*

Et mandatum est Militibus, Liberis hominibus, & omnibus aliis Tenentibus de Abbatia Sancti *Augustini Cantuar.* quod eidem *Thomæ* Abbati tanquam Domino suo in omnibus quæ ad Abbatiam pertinent intendentes sint, &c. In cujus, &c. Teste ut supra.

This Abbey of St. *Augustines* becomming greatly impoverished and indebted by this Abbots voyage to, and great bribes, gifts in the Court of *Rome*; the King issued this Writ to the Tenants thereof for an ayde, to relieve and defray the debts thereof.

REX Militibus, Liberis hominibus, & omnibus aliis Tenentibus de Abbacia Sancti *Augustini Cantuariæ* salutem. Cum Abbacia prædicta per adversitates quam- Pat. 11 E. 1. m. 6. Pro Abbate & Conventu S. Aug. Cantuariæ.

An. 11 E. 1. quamplurimas in tantum sit oppressa & ære alieno onerata, quod nisi Domui illi vestro suffragio mediante subveniatur, Monachos Deo famulantes ibidem aut mendicare, vel in dispersionem mitti ex necessitate oportebit in brevi, ut accepimus. Nos statum Domus supradictæ piè compatientes, et pro relevatione ejusdem Domus sollicitudinem gerentes, affectuosè requirimus & rogamus quatinus Abbati & Conventui loci supradicti competens Subsidium ad Domus suæ relevationem et suorum acquietacionem debitorum liberaliter impendere velitis et benigne, ut inde vobis teneamur ad grates, ac in agendis vestris merito gratiam a nobis reportare debeatis et favorem. In cujus, &c. Teste Rege apud *Acton Burnell.* xxii. die *Octobris.*

What transactions passed between the King and his *French* Bishops this year in *Gascoigne*, concerning the setling of differences between them, these Records will inform us.

Rot. Vascon. 11 E. 1. m. 3. REX omnibus, &c. salutem. Sciatis quod nos dilectis & fidelibus nostris *Johanni de Greilliaco* Militi Seneschallo nostro *Vasconiæ*, & Magistris *Bonetto* de Sancto *Quintino*, & *Reymundo de Ferrariis*, vel duobus ipsorum quos præsentes esse contigerit, damus & concedimus plenam & liberam potestatem & speciale mandatum componendi, concordandi, pacificandi, ordinandi, & etiam compromittendi altè & bassè, cum pœna vel sine pœna, sub forma de qua sibi videbitur expedire, pro nobis & hæredibus nostris cum venerabili patre *Amaneno* Dei gratia Archiepiscopo *Auxitan.* super advocatione temporalitatis suæ et Archiepiscopatus sui. Promittentes nos ratum habituros & gratum quicquid per dictos procuratores & attornatos nostros, vel duos ipsorum quos præsentes esse contigerit, super præmissis & singulis præmissorum simul vel divisim concedendo, remittendo, declarando, permutando, vel alias fuerit compositum, ordinatum, concordatum, seu ab assumendis & eligendis, arbitris vel arbitratoribus dictum, pronunciatum, vel etiam arbitratum. In cujus, &c. Dat. apud *Aberconwey* in *Snaudon.* xxv. die *Aprilis.*

De potestate data componendi, &c. cum Episcopo & Capitulo Vasaten. REX omnibus, &c. salutem. Sciatis quod nos dilectis & fidelibus nostris *Johanni de Greilláco*, &c. (Verbatim as before.) Damus & concedimus plenam & liberam potestatem & speciale mandatum componendi, &c. pro nobis & hæredibus nostris cum venerabili patre Episcopo, & discretis viris Capitulo *Vasaten.* super omnibus & singulis controversiis & quæstionibus hæreditariis, & aliis quibuscunque quæ sunt, & esse possunt inter nos & gentes *Vasconiæ* ex parte una, & præfatos Episcopum et Capitulum *Vasaten.* ex altera. Promittentes, &c. In cujus, &c. Dat. ut supra.

What Jurisdiction over Ecclesiastical Persons, affairs and Elections the King this year exercised in *Ireland*, these Records will inform us.

Pat. 11 E. 1. m. 13. De Protectione. J. Archiepiscopus *Armachanus*, qui de licentia Regis profecturus est ad partes transmarinas, habet literas Regis de protectione, cum clausula, Volumus, &c. præsentibus, &c. per unum annum duraturis. Teste Rege apud *Alberfron.* secundo die *Augusti.*

Ibidem. Pro Ecclesia Armachana in Hibern. REX omnibus, &c. salutem. Sciatis quod concessionem quam venerabilis pater *N.* Archiepiscopus *Armachanus* de consensu Capituli sui fecit, ad fabricam Ecclesiæ *Armachanæ*, de quodam annuo redditu viginti marcarum usque ad terminum viginti annorum percipiendarum de Villa sua de *Termenfetlym*, & tenemento suo in eadem Villa, ratam habemus et acceptam, salvo jure quod ad nos inde pertinet tempore vacationis Archiepiscopatus prædicti. In cujus, &c. Teste Rege apud *Alberfron.* 3 die *Augusti.*

Pat. 11 E. 1. m. 15. De assensu electioni adhibito. REX electioni nuper factæ in Ecclesia Conventuali de *Dymelek*, de fratre *Nicholao* Celerario ejusdem Domus in Abbatem ejusdem loci, Regium assensum adhibuit et favorem. Et hoc significatum est Domino *N.* Archiepiscopo *Armachano*

machano Hiberniæ Primati, ut quod ſuum eſt in hac parte exequatur. In cujus, &c. Teſte Rege apud *Bangor.* 11 die *Julii.* *An.* 11 *E.* 1.

REX *S. Waterfordenſi* Epiſcopo, Juſticiario *Hiberniæ*, ſalutem. Cum electioni nuper factæ in Eccleſia Conventuali de *Dymelek*, de fratre *Nicholao* Celerario ejuſdem Domus in Abbatem ejuſdem loci, **Regium aſſenſum adhibuerimus et favorem:** . Nos conſiderantes quod idem Electus circa proſecutionem electionis prædictæ multum laboraret, ſi ea occaſione ad noſtram præſentiam accederet, & volentes ſuis laboribus & expenſis parcere in hac parte, vobis mandamus, quod ſi contingat Electum prædictum in Abbatem loci prædicti canonicè confirmari; **tunc recepta ab ipſo Electo fidelitate in caſu iſto nobis debita,** Temporalia Abbatiæ prædictæ eidem prout moris eſt liberetis. **Receptis prius ab ipſo Electo literis ſuis patentibus ſigillo ſuo, et ſigillo Capituli Eccleſiæ prædictæ conſignatis, quod hæc gratia noſtra quam eidem Electo ad præſens ex mera liberalitate noſtra fecimus, nobis vel hæredibus noſtris non cedat in præjudicium vel exhæredationem, ſeu trahatur in conſuetudinem vel conſequentiam temporibus futuris.** In cujus, &c. Teſte ut ſupra. Ibidem. De Temporalibus Abbatiæ de Dymelek in Hibernia reſtituendis.

REX Juſticiario ſuo *Hiberniæ* qui pro tempore fuerit, vel ejus locum tenenti, ſalutem. Cum dudum ad inſtantiam kariſſimæ conſortis noſtræ *Alianoræ* Reginæ *Angliæ*, promiſerimus *Ricardo de Geyton* Clerico, quod eidem de **Eccleſiaſtico beneficio** curaremus in *Hibernia* providere, & Juſticiariis noſtris partium illarum qui pro tempore fuerint pluries mandaverimus, quod dicto *Ricardo* vice noſtra de hujuſmodi **beneficio provideret,** nec dum ipſe ex promiſſione & mandatis noſtris prædictis promotionem illam fuerit aſſecutus, volentes promiſſionem noſtram prædictam quamcitius facultatem habuerimus effectui mancipari: Vobis mandamus, quod præfato *Ricardo* **de aliquo Eccleſiaſtico beneficio Prebendali, vel alio uſque ad valorem Seraginta Librarum, quod in partibus illis proximo vacare contigerit, et ad donationem noſtram ſpectare faciatis noſtro nomine provideri, et præ cæteris omnibus id conferri.** In cujus, &c. Teſte Rege apud *Aberconwey* in *Snaudon.* 15 die *Junii.* Pat. 11 E. 1. m. 16. Pro Ricardo de Geyton Clerico.

REX electioni nuper celebratæ in Eccleſia *Enagdunenſi* in *Hibernia* de diſcreto viro Magiſtro *Johanne de Ufford* **in Epiſcopum ejuſdem loci, Regium aſſenſum adhibuit et favorem.** Et hoc omnibus quorum intereſt ſignificatum eſt per præſentes. In cujus, &c. Teſte Rege apud *Aberconwey* in *Snaudon.* 16 die *Marcii.* Ibid. m. 21. De aſſenſu electioni adhibita.

[a] *Matthew Weſtminſter* ſtories, that this year *in* Alemannia *apparuit* Fredericus *quondam Imperator* Romanus, *ſecundum opiniones diverſas ſophiſticus, ſive (ut alii ſentiunt) verus: Antea namque ſecundum quoſdam per* 32. *annos mortuus dicebatur. Secundum vero relationem ipſius, per tempus prædictum mundo incognitus latuit in habitu peregrino. Nunc ſe Imperatorem oſtendit, argumento viſibili & indiciis manifeſtis, Imperialem vendicans dignitatem.* Fredericus *itaque dum Imperio fungeretur,* **et Eccleſiæ adverſaretur Romanæ,** [b] **per ipſam privabatur Imperiali nomine et honore, per univerſalem Eccleſiam Excommunicationis vinculo innodatus, per Papam** Innocentium *quartum,* **in Concilio** Lugdunenſi. *Poſt cujus dejectionem, in regno* Alemanniæ *per electionem regnabant tres Comites ſucceſſive, ſcilicet,* Gulielmus Hollandiæ, Richardus Cornubiæ, & Rodulphus, *qui in iſta apparitione* Frederici, *poſſeſſioni regni* Alemanniæ *incumbebat, vocationem ſuam ad Diadema Imperii expectando. Inopinatum illud phantaſma apperiens in* Alemannia Fredericus, *igne combuſtus periit hoc anno.* In imitation of the Emperor *Fredericks* double Excommunication and deprivation by Pope *Gregory* 9. & *Innocent* 4. this year, Petrus Aragonum **per Papam** (Martinum 4.) **ſententia majoris Excommunicationis ligabatur, præcipiebaturque ſub pœna prædicta, ne quis eum ſcienter et prudenter Regem audeat nominare; pro eo, quod inconſulta Romana Eccleſia, Regnum invaſit** Siciliæ. But notwithſtanding this Excommunication, [c] *receſſo* Carolo *Rege in* Apuliam, Siculi *contra eum* Neopolim *cum viginti ſeptem galeis venerunt armatis. Adverſus quos* Carolus *filius Regis* Caroli *tunc Princeps* Achaiæ *egreſſus eſt cum magna galearum multitudine ad pugnandum; obtinentibus victoriam hoſtibus,* Carolus *captus eſt cum multis aliis, & ad Civitatem* Meſſanam *deductus*

a Mat. Weſtm. p. 372. Anno 1284. Alberti Crantzii Saxoniæ, l. 8. c. 34. p. 224. Abbas Uſpergenſis Paraleipom. p. 340, 341. * See here Tom 2. p. 409, to 415, 519, to 550, 644, to 664, 754, 756.

c Walſingham Hiſt. Angl. p. 12, 13.

An. 12 *E.* 1. *deductus captivus.* Soon after, out of grief for this defeat, *mortuus est* Carolus *Rex* Siciliæ, *cujus regni & filiorum tutela* Papa Martinus Robertum *Comitem* Atrabatensem constituit, largitus eidem pro hac re pecuniæ magnam summam. The next year (*Anno* 1285.) at this Popes instigation, [d] *de terra* Franciæ *egrediens Rex* Philippus *cum innumerabili exercitu bellatorum,* Arragoniam *properavit, illam proponens suo Imperio subjugare,* facta donationem Papæ Martino filio suo Carolo. *Ad quam veniens regionem, quædam Castra & Villas,* fretus auxilio Summi Pontificis obtinuit, qui contra Petrum, quondam Principem terræ illius nomine Regis privatum, Legatum transmisit ibidem. Hic dictus Petrus Tolet, occidi permisit tam Ecclesiasticas quam seculares personas quæ sententiam Ecclesiasticam multoties repetitam nullatenus formidabant. King *Edward* the 1. at the request of the Abbot of St. *Denys* in *France,* endeavoured all he could to compose these Wars and differences between these Kings and *Peter,* for the better relief of the Holy Land, and the common good and peace of the Christian Church and Christianity; but his Nuncioes sent for that end were rejected by the Popes Legate, as this Letter of his to the Abbot informs us.

[d] Mat. Westm. p. 372, 373. Wa singham Hist. Angl. p 13.

Brevia Regis Anno 12 E. 1. nu. 571.

REX Abbati Sancti *Dionysii* in *Francia,* salutem. Super dissensione inter Dominum vestrum Regem *Franciæ,* & Dominum Regem *Siciliæ,* ex una parte, & *Petrum Draponensem* & fautores suos ex altera exorta, ac Regni *Siciliæ* per eundem *P.* occupatione facta, dolemus novit altissimus vehementer, & si ad causam dissensionum inter ipsos pacificandam & sedandam opem operam & consilium impendere possemus utique gauderemus. **Et hoc ob amorem quem erga Reges gerimus et gerere debemus memoratos, et etiam pro statu Terræ Sanctæ et Regum prædictorum, ac insuper Christianitatis commodo universæ;** Et super eo quod proprio motu vestro usque præter dicti Domini vestri Regis conscientiam nos ad hoc excitare voluistis, vestræ benevolentiæ quantum possumus gratiamur, discretionem vestram in hoc specialiter commendantes. Et quia nuncii nostri quos nuper in *Vasconiam* destinavimus, **circa hoc de mandato nostro laborare volentes per Sacrosanctæ Romanæ Ecclesiæ Legatum, ibidem in hac parte debantur repulsam,** sicut vos credimus non latere, circumspectionem vestram affectuosè requirimus & rogamus, quatinus vos **qui Deum et pacem diligitis** & cernitis, quanta bona ex hujusmodi pacis reformatione poterunt provenire, nobis consilium & avisamentum vestrum significare velitis, cujusmodi consilium & diligentiam apponere poterimus in præmissis. **Nos enim ad honorem Dei, et Ecclesiæ suæ Sanctæ, et commodum et tranquillitatem partium prædictarum, ac etiam totius Christianitatis, consilium quantum poterimus libenti animo apponemus.** Dat. apud *Ebor.* 12 die *Januarii,* anno regni nostri duodecimo.

These pious Christian endeavours of the King for peace, being insolently rejected by the Popes Legate, the issue of the War this year (which he fomented) was so tragical to all parties, that *Peter* of *Aragon* died of a wound received in battel with the *French,* King *Philip* and Pope *Martin* both died of sickness, about the same time the *French* were likewise expelled *Portugal,* and *Alphonso* (*Peters* son) succeeded his father, notwithstanding the Popes Excommunications and deprivation, which then were not formidable, but contemptible even in *Sicily, Aragon, Italy,* and *Rome* it self.

An. 12 *E.* 1. King *Edward* in the 12. year of his reign, to keep a good correspondence with the Pope, his Cardinals, Notaries, and other Officers in the Court of *Rome,* to promote his own affairs and designs, upon receipt of Pope *Martins* Bull and Acquittance, issued these ensuing Warrants for the payment of two years arrears of 1000 Marks for *England* and *Ireland,* granted by King *John,* then due and demanded by the Pope; as likewise for payment of several arrears of Pensions he had granted to Cardinals and others, as these Writs in the *Liberate Roll* of that year assure us.

Liberate 12 E. 2 m. 3. Pa[illegible]

REX Thesaurariis & Camerariis suis, salutem. Liberate de Thesauro nostro in termino Sancti *Michaelis* proximo futuro, Magistro *Giffredo* de *Sancto Paulo* Clerico Domini Papæ, duo millia Marcarum, quæ a retro sunt eidem pro annuis annis translactis; videlicet, annis regni nostri decimo, et undecimo, de annuo

annuo censu mille Marcarum, quem eidem Domino Papæ debemus; & recipiatis à præfato Magistro *Giffredo* literas suas patentes, solutionem dictæ pecuniæ testificantes, et Bullam Domini Papæ, quam vobis super hoc exhibebit; et eandem Bullam una cum literis patentibus prædictis, et etiam Bullam quam dictus Dominus Papa nobis pro pecunia prædicta transmisit, et quam vobis misimus, penes vos sub salva custodia reservetis. Teste Rege apud *Carnarvan*. 7 die *Julii*. *An.* 12 *E.* I.

REX Thesaurar. & Camerar. suis, salutem. Liberate de Thesauro nostro *Baruncino Gualteri* & sociis suis Mercatoribus nostris de *Lik*, seraginta Marcas, per manus suas liberandas venerabili patri Domino Matthæo Sanctæ Mariæ in Portico Diacono Cardinali, de termino Natalis Domini anno regni nostri duodecimo, de anno feodo suo seraginta Marcarum, quod ei concessimus percipiend. ad Scaccarium nostrum. Nisi pecunia illa sibi prius fuerit liberata per aliud breve nostrum. Et recipiatis a præfatis Mercatoribus literas suas patentes receptionem dictæ pecuniæ testificantes. Teste Rege apud *Carnarvan*. 22 die *Octobris*. Liberate An. 12 E. 1. m. 1. Pro Domino M. Sanctæ Mariæ in Portico Diacono Cardinali.

REX eisdem salutem. Liberate de Thesauro nostro eidem *Baruncino* & sociis prædictis Quinquaginta Marcas, per manus suas liberandas venerabili patri Domino Jacobo Sanctæ Mariæ in Cosmedyn. Diacono Cardinali, de terminis Paschæ et Sancti Michaelis anni regni nostri duodecimi, de anno feodo suo Quinquaginta Marcarum, quod ei concessimus percipiend. ad Scaccarium nostrum. Nisi, &c. Et recipiatis, &c. ut supra. Teste ut supra. Ibidem. Pro J Sanctæ Mariæ in Cosmedyn. Diacono Cardin.

REX eisdem salutem. Liberate de Thesauro nostro eidem *Baruncino* & sociis suis prædictis Viginti Marcas, per manus suas liberandas dilecto Clerico nostro Magistro Angelo Domini Papæ Notario, de terminis Paschæ et Sancti Michaelis anni regni nostri duodecimi, de annuo feodo suo Viginti Marcarum, quod de nobis percipit ad Scaccarium nostrum. Nisi, &c. Et recipiatis, &c. Teste ut supra. Ibidem. Pro Magistro Angelo Domini Papæ Notario.

Moreover the King writ and sent these ensuing Letters to these and other Cardinals and Officers of the *Roman* Court, partly to excuse his not writing particularly to them by his Messengers, and his seising the Dismes collected for the Holy Land, and likewise to thank them for their former pains, care, and desiring their future diligence in promoting his affairs, as these Writs assure us, which I rescued out of the Rubbish in the White Tower.

EDwardus Dei gratia Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, venerabili viro Clerico & amico suo dilecto *B. de Neapoli* Domini Papæ Notario, salutem & dilectionem sinceram. Querelam licet occultam quam missæ nobis per dilectum Clericum nostrum Magistrum *Gresham* de Sancto *Georgio* vestræ literæ continebant, ex eo videlicet, quod nobissime per nuncios nostros non fuit amicus antiquus nostris literis visitatus, intelleximus diligenter, illud in excusationis nostræ subsidium rescribentes, quod firmiter credebamus nos. vobis scripsisse per nuncios memoratos, licet per oblivionem fuerit prætermissum; unde oblivioni amicus imputet, quod literatorie non extitit visitatus, & firmiter teneat, quod de cætero Regis visitabitur literis sicut ille quem puro corde diligimus, et a quo grata servicia recepisse recolimus, et recipere in futurum speramus quociens nuncios ad Romanam Curiam mittere nos continget; super statu vero nostro præfatus Clericus noster vos certificare poterit viva voce. Valete. Dat. apud *Montem altum* in *Wallia* 5 die *Octobris*, anno regni nostri duodecimo. Brevia Regis sub privato sigillo Anno 12 E. 1.

EDwardus Dei gratia Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, venerandæ discretionis viro amico suo dilecto Magistro *Petro de Petrisgrossis* Sanctæ Romanæ Ecclesiæ Vicecancellario, salutem & sinceræ dilectionis affectum. Cum sicut ex insinuatione venerabilis patris Domini *H.* Tituli *Laurentii* in *Lucina* Presbyteri Cardinalis, & ex relacione dilecti Clerici nostri *Stephani* de Sancto *Georgio* nuper intelleximus super renovatione & registratione literarum Apostolicarum negotia nostra continentium, vos exhibueritis ad requisitionem ipsorum Brevia Regis Anno 12 E. 1.

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An. 12 E. 1. contemplatione nostri promptos, favorabiles et benignos; Nos id gratum habentes quamplurimum et acceptum, discretioni vestræ gratiarum referimus uberrimas actiones, rogantes attentius quatinus negotia nostra cum tractabuntur in Curia, habere velitis semper nostri amoris intuitu favorabiliter et utiliter commendata: Et si quæ per nos fieri poterunt, quæ honorem vestrum respiciant, ea libenti animo faciemus cum a vobis fuerimus requisiti. Valete. Dat. apud *Hopam* in *Wallia* 4 die *Octobris*, anno regni nostri duodecimo.

Brevia Regis Anno 12 E. 1.

VEnerabili in Christo Patri amico suo charissimo Domino *M.* Dei gratia Sanctæ *Mariæ* in Porticu Diacono Cardinali, *Edwardus* Dei gratia Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, salutem, cum sinceræ dilectionis affectu. Literas vestras quas nobis per dilectum Clericum nostrum Magistrum de Sancto *Georgio* transmisistis gratanter nos noveritis recepisse, ac per eas intellexisse tenorem ipsarum, ac rumores Curiæ quorum dictus Clericus nobis recolit viva voce. De missione vero amicabili literarum ipsarum, vobis gratiarum referimus uberrimas actiones, Paternitatem vestram affectuose rogantes, quod tam de vestro quam de præfatæ Curiæ statu, una cum rumoribus ipsarum partium nos velitis quoties vobis affuerit Nunciorum opportunitas reddere certiores. Licet autem ut scripsistis, petitiones nostræ ad plenum non fuerint expeditæ, id tamen æquanimiter sustinemus, sperantes, quod processu temporis plenius expedientur vestro consueto auxilio mediante, ob quod obtinendum cum requisiti fueritis, solliciti si placet, et amicabiliter vigiletis. Placidus sane occurrit & gratus auditui nostro, articulus quem misistis, videlicet, quod credebatis quod Decima regni nostri et terrarum nostrarum ne alienata fuerit, nec distracta, nec aliquibus obligata, licet de societate in societatem prædictæ Decimæ depositum commutetur, et nos vobiscum credimus illud idem, vobis attente regratiantes de favore quo alios nuncios nostros fuistis nostri gratia prosecuti, quamvis benevolentia vestra super hoc modicitatis possibilitatem allegetur. Cæterum super statu nostri continentia prætatus Clericus vos certificare poterit viva voce. Valete. Dat. apud *Montem altum* 5 die *Octobris*, anno regni nostri duodecimo.

Ibidem.

EDwardus Dei gratia Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, venerabili viro amico & Clerico suo dilecto Domino *Percivallo* de *Lovania* Domini Papæ Capellano, Canonico *Eboracensi*, salutem, et sinceræ dilectionis affectum. Literas vestras gratanter recepimus, quæ nobis per dilectum Clericum nostrum Magistrum *Stephanum* de Sancto *Georgio* transmisistis, quarum tenorem & rumores regionum ipsarum quos idem Clericus noster ex parte vestra nobis viva voce retulit intelleximus diligenter, de missione literarum ipsarum & certificatione prædictorum rumorum, gratiarum vobis referentes uberrimas actiones, et rogantes quatinus tam de statu vestro, quam de rumoribus ipsarum partium nos velitis crebris literarum missionibus reddere certiores. De eo vero quod nobis per eundem Clericum intimastis, videlicet, *quod vos in Clericum nostrum apud* Assisium *abolim recepimus*, respondemus, quod receptionem illam ratificamus, et de novo vos in Clericum nostrum admittimus. Ita quod ubicumque fueritis, Clericus noster sitis, et de beneficio favoris nostri sicut noster Clericus gaudeatis. Causam tamen quam vobis super hoc literas nostras patentes non concessimus, & etiam continentiam status nostri, præfatus Clericus noster vobis exponere poterit oraculo vivæ vocis. De falcone autem quem ad opus nostrum facitis custodire, vobis regraciamur ex corde, & affectaremus libenter quos vos essetis & nullus alius falconarius in portando, ut tam de ipso quam de vestris falconibus mutuis possemus solaciis recreari. Dar. apud *Montem altum* in *Wallia* 5 die *Octobris*, anno regni nostri duodecimo.

Ibidem.

SUo *W. de Hamelton*, salutem. Faciatis fieri quandam literam supplicatoriam nomine Domini Regis Magistro *Hugoni de Evesham* Sedis Apostolicæ Cardinali, pro *Alano de Thorneton* Domini Regis Clerico, pro negotiis ipsius *Alani* quæ in Curia Romana habet expedienda, *&c.* Dat. apud Sanctum *Asaphum* septimo die *Octobris*.

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The King out of his affection to the Abbey, Abbot, and Covent of *Westminster*, issued this Writ to the Treasurer and Barons of the Exchequer, to inquire of all their Liberties, and of all Liberties belonging to any exempt Abbot, and to certifie him thereof in the next Parliament, that so he might therein grant them such further Liberties as he and his Council should deem convenient by his Soveraign Authority, which Abbey he honoured, loved before other Abbies. An. 12 E. I.

EDwardus *Dei gratia Rex* Angliæ, *Dominus* Hiberniæ, *& Dux* Aquitaniæ, *Thesaurario & Baronibus suis de Scaccario salutem. Cum propter benivolentiam & affectionem specialem quam progenitores nostri Reges* Angliæ *erga Abbatiam Sancti* Petri Westmonasterii, *& Abbates & Monachos Deo ibidem deservientes habuerunt, & quam nos erga eosdem habemus, ob multas causas quæ nos ad hoc movere debent, velimus* ut Abbatia illa, et maxime vacationum temporibus adeo libera sit sicut aliqua Abbacia regni nostri exempta sicut ipsa est; *Vobis mandamus, quod tàm per scrutinium rotulorum Scaccarii nostri prædicti, quàm aliis modis quibus melius & evidencius scire poteritis, diligenter inquiratis cujusmodi & quibus libertatibus Abbatia illa exempta, aliis Abbaciis de regno nostro in libertatibus & libertatum juribus præeminentiorem & magis liberam fore decreveritis, ac Abbates Abbaciæ ejusdem quæcumque fuerint gaudeant & utantur; & nos super eo quod per hujusmodi rotulorum scrutinium, aut alio modo per vos inveniri contigerit*, in proximo Parliamento nostro reddatis certiores, *ut cum tunc super præmissis plenius certiorati fuerimus, præfatis Abbati & Conventui* Westmonasterii, et Ecclesiæ suæ ibidem, libertates quas sibi expedire bideritis concedamus, et faciamus ratificari, prout id.. de Consilio nostro tunc duxerimus providendum, cum ipsam præcipue inter alias honorare et diligere teneamur rationibus suprædictis. Brevia Regis, An. 12 E. 1.

He likewise ratified their election of a New Abbot approved by the Pope, and restored his Temporalties.

REX *dilecto & fideli suo* Malcolmo de Harleye *Custodi Abbatiæ* Westmonasterii, *salutem.* Cum sanctissimus in Christo Pater Martinus *Dei providentia sacrosancte* Romanæ ac universalis Ecclesiæ Summus Pontifex, Electionem nuper factam in Ecclesia Sancti Petri Westmonasterii *de fratre* Waltero de Wenlock *Monacho* Westmonasterienſi *in Abbatem ejusdem loci*, cui prius Regium adhibuimus assensum et favorem, confirmaverit; sicut per literas ipsius Domini Papæ bullatas nobis constat; cepimus fidelitatem ipsius Abbatis, et ei Temporalia ejusdem Abbatiæ restituimus. *Et ideo vobis mandamus, quod eidem Abbati Temporalia hujusmodi sine dilatione restituatis. Teste Rege apud* Baladonthlyn. 20 *die* Junii. Pat. 12 E. 1. m. 9. De Temporalibus Abbatiæ Westm. restituendis.

Two Executors being excommunicated this year by the Bishop of *London*, were taken upon a *significavit*, by a Writ of *Capias Excommunicatum* by the Sheriffs of *London*, and imprisoned in *Newgate*, yet released by them before satisfaction given to the Church, upon a false suggestion, and a Writ *de Cautione admittenda*, the King upon the Bishops complaint writ to the Bishop to certifie him of the truth thereof.

EDwardus Dei gratia Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, venerabili in Christo patri *R.* eadem gratia *Londonienſi* Episcopo salutem. Sanè nuper ad denunciationem vestram Vicecomitibus nostris *London.* mandaverimus, quod *Ricardum de la Knolle*, & *Robertum de Montibus*, tanquam excommunicatos et claves Ecclesiæ contemnentes, per corpora sua, secundum consuetudinem *Angliæ* Justiciares, donec Sanctæ Ecclesiæ tam de contemptu quam de injuria ei illata ab eis esset satisfactum, et iidem Excommunicati ea occasione aliquandiu in prisona nostra de *Newegate* ob hoc detenti; et postea, ut dicitur, inde deliberati fuerint: Nos super modo deliberacionis prædictæ quibusdam de causis certiorari volentes, Vobis mandamus, sicut aliàs mandavimus, quod id quod per vos in hac parte actum fuerit distinctè & apertè nobis significetis, remittentes nobis hoc Breve. Teste meipso apud *Blidam* 21 die *Januarii*, Anno Regni nostri undecimo. Brevia Regis An. 12 E. 1. n. 265.

Whereupon the Bishop made this Certificate to the King.

EXcellentissimo Domino suo *Edwardo*, Dei gratia Regi *Angliæ*, Domino *Hiberniæ*, & Duci *Aquitaniæ*; *R.* eadem miseratione *Londonienſis* Ecclesiæ Minister Ibidem.

An. 12 *E.* I. ſter humilis, ſalutem in Domino, cum omni reverentia et honore. Noverit Dominatio veſtra, quod poſtquam ad denunciationem noſtram, *Ricardum de la Knelle*, & *Robertum de Montibus*, Executores Teſtamenti Magiſtri *Ricardi de Stanes* tanquam Excommunicatos et claves Eccleſiæ contemnentes, per Vicecomites *London.* Juſticiari per corpora ſua præcepiſtis, donec Eccleſiæ Sanctæ tam de contemptu quam de injuria ei illata ab eis ſatisfactum fuiſſet, ad ſuggeſtionem dictorum *Ricardi* & *Roberti* præfatis Vicecomitibus *London.* breve veſtrum mandaſtis, ut ad nos in perſonis propriis accedentes, nos ex parte veſtra monerent & inducerent efficaciter, quod accepta ab ipſis *Ricardo* & *Roberto* * cautione idonea de parendo mandatis Eccleſiæ in forma Juris, quam nos ſuggeſſerunt reſpuiſſe, licet frequenter oblatam, ipſos abſolveremus et mandaremus a carcere liberari, & ſi hoc in præſentia dictorum Vicecomitum facere nollemus, tunc ipſi Vicecomites dictos *Ricardum* et *Robertum* a priſona liberarent, ſi ea occaſione & non alia in ea fuiſſent detenti. Licet autem dicti Vicecomites non per ſe, ſet per manum cujuſdam Clerici nobis breve prædictum oſtendiſſent, nos Officiali noſtri ſtatim literas noſtras direximus, continentes, quod recepta cautione idonea de parendo mandatis Eccleſiæ ſuper hiis pro quibus excommunicati fuerunt, ipſos abſolveret, et a carcere faceret liberari, ſet has noſtras literas præfatus Clericus Vic. recipiens, ipſos Officiali noſtro nullatenus aſſignavit, ſicut ab eodem Officiali eſt teſtatum, nichilominus tamen audivimus, quod prædicti *Ricardus* & *Robertus* ſunt à carcere liberati nulla ſatisfactione Eccleſiæ præſtita, per quos tamen et qualiter hæc liberatio proceſſerit ignoramus. Bene ſemper valeat Excellencia veſtra per tempora longiora. Dat. apud *Blakeſun.* 15. Kal. *Marcii*, anno Domini 1283.

Dorſo. *Excellentiſſimo Principi Domino* E. *Dei gratia Regi* Angliæ *illuſtri.*

* Regiſter pars 2. f. 66. Fitzh. Nat. Brev. f. 63, 64.

* See Regiſt. pars 2. f. 67. Fitzh. Nat. Brev. f. 64. B.

The King upon this Certificate, iſſued this * *new* Writ to the ſaid Sheriffs for their caption and reimpriſonment, and likewiſe to bring them before him at a certain day, to anſwer this abuſe.

Brevia Regis, num. 198.

EDwardus Dei gratia Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, Vicecomitibus *London.* ſalutem. Cum nuper ad denunciationem venerabilis patris *R. London* Epiſcopi vobis præceperimus, quod *Ricardum de la Knolle*, & *Robertum de Montibus* Excommunicatos et claves Eccleſiæ contemnentes per corpora ſua juſticiaretis, ſecundùm conſuetudinem *Angliæ*, donec Sanctæ Eccleſiæ tam de contemptu quam de injuria ei illata ab eis eſſet ſatisfactum, et iidem excommunicati aliquandiu in priſona noſtra de *Newegate* ob hoc detenti fuiſſent, et poſtmodum nulla omnino inde facta ſatisfactione, aut præſtita cautione, ut moris eſt, de parendo juri, per *Walterum le Blunt*, & *Anketinum de Betevill* tunc Vicecomites *London.* a priſona prædicta deliberati ſunt, in læſionem libertatis Eccleſiaſticæ, et noſtri contemptum manifeſtum; ſicut ex ipſius Epiſcopi querela accepimus, ſuper quo nec immerito miramur & movemur: Vobis præcipimus firmiter injungentes, quod prædictos excommunicatos, niſi modo legitimo a prædicta priſona deliberati fuerint qua detinebantur occaſione prædicta, iterato capi, et per corpora ſua juſticiari faciatis, juxta formam prioris mandati noſtri vobis inde directi. Et nichilominus venire faciatis coram nobis præfatos *Walterum* & *Anketinum* in Craſtino Sancti *Laurencii* ubicumque tunc fuerimus in Regno noſtro, ad faciendum & recipiendum quod juſtum fuerit in præmiſſis, & habeatis ibi hoc breve. Teſte meipſo apud *Karnarvan.* 6 die *Julii.* Anno regni noſtri duodecimo.

The Archbiſhop of *Canterbury* having excommunicated and interdicted ſome of the Tenants belonging to the Abbey of *Fiſcan* in *England*, over whom he had no ordinary or delegated Juriſdiction; the Abbot thereupon appealed to *Rome* againſt him, and likewiſe to the King againſt this oppreſſion, deſiring his favour that * no proceſſe might iſſue out of his Court againſt them, and that he might conſtitute Attornies in this caſe, ſince he could not come into *England* without great damage to his houſe.

* See Regiſt. f. 68. Fitzh. N. B. f. 64 E.

Brev. Regis, An. 12 E. 1. num. 341.

EXcellentiſſimo Principi Domino *Edwardo* Dei miſeratione Regi *Anglorum* illuſtri, Domino *Ybernie*, ac Duci *Aquitanie*; *Ricardus* ejuſdem permiſſione

Abbas

Abbas Monalterii *Fiscannensis* suus humilis Monachus & devotus, pro ipsoque licet indignus apud Deum cum suis fratribus orator assiduus, salutem in eo qui regna dat cœlestia, & regere feliciter dat terrena. Ad hæc Deus bestram Regalem celsitudinem præesse voluit super terris, ut oppressorum injuste gravamina bestræ bisceribus misericordiæ per æquitatis semitam refrænentur. Cum itaque Reverendus pater Dominus *Cantuariensis* Archiepiscopus in Wallibum nostrum *Fiscannensem*, & nostros homines in vestro regno *Angliæ* commorantes, Suspensionis et Excommunicationis sentencias de facto protulerit, cum nullam in eosdem Jurisdictionem habeat ordinariam vel eciam delegatam, nosque in Romana Curia, ad quam ex prædictis grabaminibus duximus appellandum, appellacionem nostram modo debito prosequamur, parati in ipsa appellationis causa procedere ut ordo exigit racionis, bestræ Regali celsitudini supplicamus tota cordis et animi puritate, ut nullam captionem sive cobercionem quamcunque contra nostros prædictos Wallibum et homines a bestra Curia sustineat emanare; Vos attentè & humiliter exorantes, quatinus Attornatos quos per nostras patentes litteras Attornatos nostros in *Anglia* constituimus generales, caritatis intuitu admittere dignemini ac velitis, cum simus tot diversis ad præsens nostri Monasterii negotiis impediti, quod ad partes vestras non possemus accedere absque dicti nostri Monasterii læsione multiplici & jactura. Valeat in perpetuum vestra Regalis excellencia in Domino feliciter per tempora longiora. Which the King assented to, as appears by the Patent Roll of this year. *An.* 12 E. 1.

The Abbesse of *Tarente* having paid her Subsidy with the *Cistercians*, the King issued this Writ in her behalf, and for allowing the Charters of Liberties granted to that Monastery in the Exchequer.

SUO, *Hugoni de Kendal* salutem. Mandetis Vicecomitibus & taxatoribus & Collectoribus Tricesimæ in Comitatibus quos lator præsencium vobis dicet quatinus demandam quam faciunt Abbatissæ de *Tarente*, quæ cum *Cisterciensibus* Subsidium fecit Domino nostro Regi sicut dicit, ponant in respectum usque ad proximum Parliamentum; Scribatis eciam Thesaurario & Baronibus de Scaccario, quod allocari faciant eidem Abbatissæ cartas libertatum quas vendicat, et Abbatissam ipsam libertatibus illis gaudere permittant, juxta tenorem priorum mandatorum quæ super hoc receperunt. Dat. apud *Baladenlyn* 14 die *Junii*. Brevia Regis An. 12 E. 1. num. 342.

The King having made use of some of the Oxen, Lambs, and Sheep belonging to the Bishoprick of *Wynton*, and some of them dying of the murrain during the vacancy; upon the restoring of the Temporalties and residue of the Stock to the succeeding Bishop, made this allowance to him in mony of the stock thus wanting; as this Record informs us.

EDwardus Dei gratia Rex *Angliæ*, Dominus *Hybernie*, & Duci *Aquitanie*, Thes. & Baronibus suis de Scaccario salutem. Mandamus vobis, quod dilectos & fideles nostros *Willielmo de Hamelton*, & *Willielm. de Sancto Claro*, nuper Custodes nostros Episcopatus *Winton.* tunc vacantis, & in manu nostra existentis, exoneretis in Compoto suo dicti Episcopatus de sexaginta et quatuor libris, novem solidis, et quatuor denariis, quos venerabili patri J. nunc Wynton. Episcopo liberaverunt pro defectu Centum et undecim boum, et octingenti et viginti et quatuor agnorum præfato Episcopo liberatorum, pro defectu tam bidentum quam agnorum de instauro ad prædictum Episcopatum pertinente, quod ipsi tempore vacationis prædictæ nomine nostro receperunt, et quod præfato Episcopo tempore quo temporalia ejusdem Episcopatus eidem Episcopo restituimus reddidisse debuerant, et unde per moriam dicto tempore vacationis super hoc contingente, et alio modo coram vobis ostenso deficiebat, usque ad summam prædictarum sexaginta et quatuor librarum, novem solidorum, et quatuor denariorum, sicut in prædicto Compoto coram vobis reddito plenius continetur: De quibus quidem sexaginta & quatuor libris, novem solidis, & quatuor denariis præfato Episcopo sic solutis literas patentes præfati Episcopi penes se habent, & coram vobis ostendere sunt parati. Teste meipso apud *Rochelan.* 13 die *Junii*. Anno Regni nostri duodecimo. Claus. 12 E. 1. m. 5. in Cedula.

An. 12 *E.* 1. *Guido* formerly Prior of *Montacute* was this year imprisoned in the Tower of *London* for certain offences against the King, as this Writ to bail him assures us.

Clauſ. 12 E 1. m. 2 Pro Prio e de Monte Acuto, de pon. per manucapt

REX *Ranulpho de Acre* Custodi Turris nostræ *London.* salutem. Mandamus vobis, quod si *Guido* quondam Prior de *Monte acuto*, captus et detentus in prisona nostra Turris prædictæ pro quibusdam Transgressionibus sibi impositis, inveneritis vobis sufficientes Manucaptores, qui eum manucapiant breve coram nobis à die Sancti *Michaelis* in quindecim dies, ubicunque tunc fuerimus in *Anglia* ad standum recto de his quæ nos, seu alii contra ipsum loqui voluerimus; tunc ipsum *Guidonem* ab eadem prisonâ per manucaptionem prædictam interim replegiari faciatis. Teste Rege apud *Cestriam* 15 die *Sept.*

* See Fitzh. N. B. f 65. & Excommengement, 11, 17, 20, 24. Cooks 1 Instit. f. 134. a.

The Archbishop of *Yorke* going to *Rome* by the Kings license, about the affaires of his Church, the King out of special grace by his Royal prerogative granted him, that Writs should issue out of his Chancery against those his Vicar General should excommunicate within his Diocesse in his absence beyond the Seas, upon his Vicars certificate, by this Patent, whose * *certificate else had not been good in Law.*

Pat. 12 E. 1. m. 6. Pro Archiep. Ebor. de Excommunicatis justic.

REX omnibus, &c. salutem. Sciatis, quod de gratia nostra speciali concessimus venerabili patri *W. Eborum* Archiepiscopo, *Angliæ* Primati, pro negotiis Ecclesiæ suæ prædictæ ad Curiam *Romanam* de licentia nostra proficiscenti, quod ad denunciationem illius, quem idem Archiepiscopus loco sui ad vices suas in spiritualibus gerendas constituerit, excommunicatos suæ Dioceſis per Brevia de Cancellaria nostra, secundum regni nostri consuetudinem, justificiari faciemus, præfato Archiepiscopo existente in partibus suprædictis. Teste Rege apud *Aber.* 24. die *Augusti.*

The King this year constituted a special Proctor for 3. years by this Patent to defend the Rights and Liberties of his Free Chappels and Crown, against all Papal and Episcopal invaders and opposers of them.

Pat. 12 E. 1. m. 3. De Procurator. fac. pro liberis Capellis Regis.

REX omnibus Ballivis suis ad quos, &c. salutem. In omnibus causis et negotiis liberas Capellas nostras in regno nostro Angliæ constitutis, ubicunque et coram quibuscunque personis contingentibus, dilectum nostrum Magistrum *Radulphum de Merlawe* nostrum Procuratorem facimus, constituimus, ac etiam ordinamus. Dantes eidem potestatem specialem nomine nostro agendi, defendendi, ac etiam prosequendi Jura et Libertates nostras in Capellis prædictis et earum pertinentiis, tam in rebus quam in personis, prout juri et honestati Regiæ videbitur conbenire; appellandi etiam, appellationes prosequendi, et omnia alia et singula faciendi, quæ ad conservationem et tuitionem nostram et libertatum hujusmodi pertinere noscuntur: Ratum & firmum habituri quicquid dictus *Radulphus* quibuscunque diebus & locis nomine nostro in præmissis omnibus & singulis duxerit faciendum; hæc omnibus quorum interest, tenore præsentium intimamus. In cujus, &c. per triennium duratur. Teste Rege apud *Overton*, 28. die *Septembris.*

Godwins Catalogue of Bishops, p. 278, 279. Tho. Walsingham, Hist. Angl. p. 13.

The Bishoprick of *Salisbury* becomming void by the death of *Robert de Wykehampton*, (whose election was confirmed by the Prior and Covent of *Canterbury* during the vacancy of the Archbishoprick) the Bishops of the Province reputing it an injury that the Prior and Covent should confirm him, which they were perswaded belonged to themselves, not only refused to consecrate him as Elect, but appealed against his confirmation (the Papacy being then likewise void) unto the Colledge of Cardinals, where after 3. or 4. years costly contention, judgement was given for the Elect, and he thereupon consecrated; the King gave his Royal assent to *Walter Stamel* elected to succeed him; as the license to elect, and Writs for restitution of the Temporalties, *Pat.* 12 *E.* 1. *m.* 11. Teste Rege, &c. 24 die *Maii*, inform us.

The King seising the Advowsons of several Churches in *Wales*, as forfeited by their Patrons rebellions against him, by his Sovereign Ecclesiastical authority gave them

them to the Biſhop of St. *Davids*, with power to appropriate them to his Church of St. *Davids* & *Lekadeken*, (*Lancaden*) and make, or annex them to Prebendaries there. *An.* 12 *E.* I.

REX Archiepiſcopis, &c. ſalutem. *Sciatis nos conceſſiſſe & hac Carta noſtra confirmaſſe, pro ſalute animæ noſtræ, & animarum anteceſſorum & hæredum noſtrorum venerabili patri* Th. Meneven. *Epiſcopo* Advocationes Eccleſiarum *de* Kairank, Lanſanfred, Trefeglos, Hennenen, Killen, Treſilan, Landaranks, Landebyen, Sullen, Abereranneth, Gogof, Lanluchaern, Kellan, Lanpeder, Lankethan, Karann, Medney, Roſtyen, Ledrod, Lan Riſcud, Lampadarn, Odyn, Lankeby, Bethus, Bledrus, Lanwenank, Lanveyr, Ollwyn, Glaenporch, Aberporch, Lanteſſilian, Lanyna, Lanarch, Lannerthaeron, Betus, Bydenith, Eſtrad, & Lan Eyoks *in* Goeria *cum pertinenciis*; quarum advocationes ad manum noſtram per forisfacturam Patronorum Eccleſiarum prædictarum devenerunt. *Habend. & tenend. prædicto Epiſcopo & ſucceſſoribus ſuis imperpetuum. Ita videlicet quod idem Epiſcopus & ſucceſſores ſui* Eccleſias illas appropriare poſſint Eccleſiis Meneven. & Lakadeken, et de eiſdem Eccleſiis Prædendas facere, vel eas annectere Prædendis in eiſdem Eccleſiis prius ordinatis, et eas conferre prout ſibi et ſucceſſoribus ſuis magis viderint expedire; (who could not do it without the Kings royal licenſe and authority.) *Quare volumus, &c. quod prædictus Epiſcopus & ſucceſſores ſui habeant & teneant Advocationes Eccleſiarum prædictarum imperpetuum. Ita videlicet, &c. ſicut prædictum eſt. Hiis teſtibus venerabili patre* B. Bathon. & Wellen. *Epiſcopo*, Tho. de Clare, Johanne de Veſcy, Roberto de Tybetot, Radulpho de Hengham, Waltero de Wymburne, Bogone de Knouill. Johanne de Monte alto, Galtero de Pycheford, & *aliis. Dat. per manum noſtram apud* Baladenlyn. 10 *die* Junii.

Clauſ. 12 E. 1. m. 4. n. 25. Pro Epiſcopo Meneven. de advocatione Eccleſiarum, &c.

The Biſhop of St. *Davids* hereupon by his Charter, with conſent and approbation of the King, and his Dean and Chapter, made and erected a New Collegiate Church of Canons in *Lan Caden* in *Wales*, conſtituted ſeveral Canons and Præbendaries therein, annexing and appropriating the forecited Churches thereunto, the Patronages whereof were granted him by the King, who ſet his Seal to the Biſhop's Charter, and ratifyed it with his own Charter to make it valid in Law.

REX omnibus, &c. ſalutem. *Inſpeximus literas Patentes venerabilis patris* Th. Meneven. *Epiſcopi in hæc verba.* In nomine Sanctæ Trinitatis, & individuæ Unitatis, Patris ingeniti, & Filii unigeniti, & Spiritus Paracliti, univerſis ſanctæ Matris Eccleſiæ filius pateat per præſentes, quod nos *Th.* permiſſione divina *Meneven.* Eccleſiæ Miniſter humilis & indignus, ad aciem mentis & memoriæ jugiter reducentes, & jugi revolutione, deliberatione provida ponderantes, quanta provenit ſalus & ſoliditas ex unanimi & unito conſortio ſtabilitati Collegii, quod prætextu multiplicati fulciminis inexpugnabile & indeficiens remanebit. Cum inconvincibilitatis optentu merito habeatur venerantius & reverentius apud omnes, quod hiis diebus vix evenit in Eccleſiis ſingularum perſonarum, zelum conſiderationis noſtræ ad animarum proficuum, & ad venuſtatem floridam, qua noſtra Dioc. perpetuo ſub memoria noſtri vigeat & vireſcat, Redemptoris noſtri confidentia roborati, piè duximus convertend. In hoc etiam avidè acuimus cor noſtrum & effundimus viſcerabiliter vota noſtra, ut loca de *Eſtratelley*, loca quidem hactenus lamentatus, (interitus & excidii) convertantur in loca lætitiæ Spiritualis, & obſequii Redemptoris, Tuti etiam refugii & ſecuritatis patriæ undique adjacentis, ubi quamplures de Dei & Domini noſtri Regis fidelibus vitam & victualia per inſidiantium molimina, ignominioſe ante hæc tempora & miſerè perdiderunt. Noverint igitur omnes & ſinguli, quod nos ad honorem Dei et incrementum cultus Chriſti et fidei Chriſtianæ, de aſſenſu devotiſſimi et illuſtris Regis noſtri Edwardi, de conſenſu et unanimi conſilio Capituli noſtri *Meneven.* ac etiam de *Lancadane.* noſtræ Dioc. noſtrique patronatus, & in ſitu ſoli noſtri collocatam, abſque cujuſque hominis & Juris injuria, deinceps pro ſalute animæ memorati Domini noſtri Regis, Regum etiam *Angliæ* præteritorum pariter & ſuccedentium, noſtra inſuper ac prædeceſſorum, & omnium fidelium defunctorum, Collegiatam facimus et fore decernimus, in honore & patrocinio S. *Mauricii* ſociorumque ejus, & beati *Thomæ* Martyris Domini Chriſti, *& quicquid ſolempnitas celebris Collegii appetit & depoſcit, illud authoritate Dei*

Pat. 12 E. 1. m. 9. Pro Epiſcopo Meneven. de Eccleſia collegiand.

ac

An. 12 E.1. *ac Diminicæ potestatis & Diocesanæ potentiæ plenè, perpetuò & piè transfundimus ab hac hora: Volentes, & decreto provido statuentes, quod Canonici, Seculares, & Vicarii eorundem sub certitudine & numero viginti unius Canonicorum; quem numerum certum & fixum facimus, ab hoc die in nocturnis & divinis officiis, ad usum & ad instar nostræ* Meneven. *Ecclesiæ sub habitu Canonico* ——— *Deo dignè deserviant & devotè. Similes eisdem Canonicis* Meneven. *in omnibus aliis præterquam in amnciis, quas in honore beati* Mauritii *sociorumque ejus, & ad memoriam fidelium defunctorum, qui letaliter vulnerati, & more bidentium jugulati, capitibus amputatis, vitam misere perdiderunt, quas purpureas ordinamus rubore nimio non notandas.* Penulas autem hujusmodi amuciarum caprinas esse volumus vel agninas, ne præ tonsitate superba vel notabili, id quod in signum & suffragium humili proposito instituimus, mortuorum devotioni, spreta deformiter & neglecta decidat, quod absit, aliasvè vilescat. Qui Canonici per nos & successores nostros creari disponimus, & in priorum decessibus vel cessionibus providos pariter recreandos. Volumus etiam, quod proventus Ecclesiæ de *Lan Cadane* memoratæ, inter Canonicos ibidem residentes & officius divinis continuè insistentes pro æqualibus portionibus dividantur; Præcentorum in eadem tertia parte reservata, quem continue in eadem volumus residere. Quod si pauciores Canonici, quam septem, in eadem fuerint residentes, duarum partium proventus ad fabricam Ecclesiæ memoratæ convertantur, vel cum Ecclesia perfecta, libris, palliis, indumentis, & aliis Ecclesiæ necessariis fuerit decorata, dicti proventus in usus pauperum Vicariorum ibidem Deo servientium convertantur; prout nos & nostri successores melius duxerimus ordinandum. *Et nos & nostri successores Stallum habentes in Choro, & locum in Capitulo Ecclesiæ antedictæ,* correctiones, bisitationes, et ordinationes, prout in Ecclesia nostra Meneven. hactenus facere consuebimus, in eadem imposterum faciemus. Ecclesias autem Parochiales subscriptas eidem celebri Collegio, quod jam pro parte (benedictus Deus) in personis providis inchoavimus, ad perpetuum illius loci sulcimen in Præbendas conferimus, et caritative tanquam Patronus et Episcopus assignabimus. Volumus igitur & decernimus, quod septem Canonicis, quos in gradu sacerdotali per se vel Vicarios ibidem Deo disponimus deservire, ad instar & exemplum Ecclesiæ nostræ *Meneven.* Ecclesiæ de *Lanteglen*, de *Langelan*, de *Lando* & *Lanoylan.* de *Lan Ewath*, de la *Sanfred*, de *Lan Ochull.* & *Lan Lannennaell*, & *Lan venit*, exnunc de consensu earundem, sine tamen præjudicio ipsorum, in obventionibus & fructibus suis dum vivunt, & regunt, perpetuo remaneant præbendatæ. Ita quod septem canonicis, quos in officio *Diaconali* per se vel vicarios suos modo prædicto ibidem esse pariter ordinamus, Ecclesiæ de Sancto *Germano*, de *Royl*, de *Lampeder*, de *Monchref*, de *Landegee*, de *Capng*, & de *Blainledrad*, in *Præbendas* cedant singulis seperatim. Disponimus etiam, quod septem Canonicis, quos in Officio Subdiaconali per se vel Vicarios suos simili modo ibidem deservire præcipimus, Ecclesiæ de *Trallan*, de *Lan Canten*, de *Lan bister*, de *Lan Gammarch*, de *Lan Archenen*, de *Lan Tessylyan*, & de *Nant Ewenellen*, in Præbendas seperatas perpetuo perseverent. Volumus etiam, & tenore præsentium ordinamus, quod nos & successores nostri ad Augmentum Cultus Divini sex marcas annuas ad sustentationem cujusdam *Vicarii*, qui in dicta Ecclesia locum teneat Subdiaconi, annis singulis conferamus, quousque per nos vel successores nostros eidem usque ad summam memoratam in terris & annuis redditibus provisum fuerit competenter. Ordinamus etiam decernentes, quod in eadem Ecclesia sint quinque Clerici inferioris gradus, quorum duo sint *Cereferarii*, duo *Tribularii*, & quintus in processione *Crucem deferat* ordinatè; In minoribus Officiis ibidem nihilominus, cum opus fuerit, ministrantes. Quibus ad sui sustentationem quinquaginta Solidos annuos assignamus, inter eos pro æqualibus portionibus dividendos; quousque eidem major portio vel consimilis per nos vel successores nostros de dicta Ecclesia de *Lan Cadano* vel alibi fuerit assignata. Assignamus autem in instanti ad Canonicorum habitacula habitandi procinctum singulis competentem, donec hujusmodi habitacula & clausuram Collegii certius in singulos ordinemus. Decernimus insuper & ordinamus, quod quilibet Canonicus habeat post sui creationem suum ibidem *Vicarium perpetuum* honestæ & approbatæ vitæ personaliter et continue residentem, & ad instar Ecclesiæ nostræ *Meneven.* deservientem in singulis sub habitu ejusdem Collegii prænotato. Ita quod sine causa notabili & justa non amoveantur à *Vicariis hujusmodi* à quocunque.

que. Numerum quoque Canonicorum prælictorum ad præſens (ut evidentior ſit ſtatus eorundem Vicariorum quos habebunt) partimur & dividimus in tres partes; Quarum prima, ſeptem Canonici deſerviant ipſi Collegio per ſe vel Vicarios in ordine Sacerdotali, & quilibet Vicarius hujuſmodi gradus Sacerdotalis quadraginta ſolidos in pecunia numerata percipiet pro ſtipendiis annuatim: Secunda pars, Canonicorum ſeptem deſerviet in ordine *Diaconali* per ſe vel Vicarios competentes; & quilibet Vicarius iſtius ordinis duas marcas in pecunia numerata recipiet pro ſtipendiis annuatim: Tertia pars, ſeptem Canonicorum in ordine *Subdiaconali* per ſe vel Vicarios, ſicut expedit, deſervient competentes. Et quilibet Vicarius iſtius gradus viginti ſolidos in pecunia numerata à Domino ſuo habebit & percipiet annuatim. Ordinamus etiam & decernimus, quod talis ſit ſtatio ſervitorum, ſcilicet, quod in prima parte Occidentali ipſius Chori verſus navem Eccleſiæ à dextris & à ſiniſtris ſtent in ſupremo gradu utrobique Canonici Presbyteralis ordinis, & non alii. Item in ultima parte Orientali ipſius Chori verſus Altare, ſtent Canonici utrobique Diaconalis ordinis, & non alii. Item in medio ipſius Chori hinc inde ſtent Canonici Subdiaconalis ordinis, & etiam Vicarii Sacerdotes. In ſecundo vero gradu ſubtus ſtent Vicarii Diaconi & Subdiaconi, & cuſtodes Altaris, & Allocentur gradatim quilibet juxta gradum ſuum. Item in tertia forma Pueros & Queriſtas præcipimus collocari. Super augmentatione vero & diminutione Præbendarum & Vicariorum hujuſmodi, quatenus excreverint & corruerint facultates correptiones & interpretationes omnium præmiſſorum, ſecundum quod commodius viderimus expedire, nobis & ſucceſſoribus noſtris plenè præſentibus reſervamus. Nolumus autem ſet omnino prohibemus, quod iſti ſic inſtituti Canonici in Eccleſia noſtra *Meneven.* quicquam ratione Electionis, ingreſſus, tractatus, vel conſilii, aut alterius juris vel uſus habeant vel vendicent quoquo modo, ſet in præmiſſis omnibus jura Epiſcopalia & Archidiaconalia, ac noſtræ Cathedralis Eccleſiæ *Meneven.* manere volumus immutata. **In ptæmiſſæ autem Ordinationis teſtimonium et perpetuam firmitatem, ſigillum illuſtris Regis et Domini noſtri** Edwardi, **et Capituli noſtri** Meneven. **una cum noſtro, ptæſenti Decreto et Scripturæ apponi procurabimus et appendi.** Dat. & act. apud *Makesfeld* in craſtino Nativitatis beatæ Virginis Anno Domini 1283. & anno regni Regis *Edwardi* undecimo. Hiis teſtibus, *J.* Dei gratia *Winton. R. Bathon.* & *Wellen. A. Dunelm. W. Norwic.* & *O. Lincoln.* Epiſcopis; *H. Lancaſt. J. Surrey. W. Warwic. H. Heref.* & *Eſſex.* Comitibus. **Nos autem Ordinationem ptæfati Epiſcopi juxta tenorem ptædictarum literarum ſuarum ratam habentes et gratam, eam pro nobis et hæredibus noſtris, quantum in nobis eſt, concedimus et confirmamus, ſicut literæ ptædictæ rationabiliter teſtantur.** In cujus, &c. Teſte Rege apud *Baladenlyn.* 10 die *Junii.*

An. 12 *E.* I°

The Prior of *Charity* ſending *Robert* a Prior to viſit the Houſes in *England* of his Order, the King granted this ſafe conduct and protection to him and his fellow Freers in their return thence.

REX omnibus Ballivis, &c. ſalutem. Sciatis quod cum dilectus nobis in Chriſto Prior de *Caritate*, fratrem *Robertum* Priorem de *Colongiis* ejuſdem Ordinis, **ad viſitandas Domos Ordinis ſui ſibi ſubjectas infra Regnum noſtrum, et ad corrigendam ſubditorum exceſſus per ſuas literas deputaſſet**; & idem frater *Robertus* **completo jam viſitationis officio**, cum aliquibus fratribus ſuis ad propria duxerit remeare: Nos ipſum in ſalvum & ſecurum conductum noſtrum ſuſcepimus, & vobis omnibus & ſingulis firmiter injungendo mandamus, quod cum ipſe cum fratribus ſuis prædictis per vos tranſitum fecerit redeundo, non inferatis ei vel ſequatibus ſuis, in perſonis aut rebus, injuriam, moleſtiam, &c. ſet eiſdem potius tranſeundo opem & conſilium præbeatis, cum ab eis ſuper hoc fueritis requiſiti. In cujus, &c. duratur. uſque ad feſtum *Nativ. Domini* prox. futur.

Pat. 12 E. 1. m. 4. Pro Priore de Colongiis de conductu.

The Church of *Tuam* in *Ireland* during its vacancy, being oppreſſed for want of the Kings protection, the Dean and Chapter thereof made this petition to the Chancellor to promote their complaints to the King and Council, for their relief therein.

An. 12 E. 1.
Brevia Regis Anno 12 E. 1.

REverendo Patri in Christo ac Domino suo, Domino *Roberto Burnel* Dei gratia Episcopo *Batonienſi*, Cancellario Domini nostri Domini *Edwardi* Regis *Anglie*, Domini *Hybernie*, Ducis *Aquitanie*, sui devoti licet pauperes Decanus & Capitulum *Tuamen.* salutem, reverentiam & honorem, cum orationibus, suffragiis devotarum. Quia vestram Paternitatem per Dei gratiam credimus videre & intelligere, querelas et supplicationes nostras ter us Dominum Regem p̃o defectu tuitionis Ecclesiæ nostræ *Tuamensis* tempoze præsentis suæ vacationis, propter quod eadem serie istarum literarum vobis ad præsens non significamus: veruntamen cum de prædictis videritis & intellexeritis, vestræ Pontificalis dignitatis piam misericordiam & solitam benignitatem in Deo requirimus & exoramus, quatinus caritatis intuitu Deum habentes præ oculis, sicut consueviſtis auxilium, consilium vestrum pariter & favorem in negociis & agendis ejusdem Ecclesiæ *Tuamensis* coram Domino suo, Consilio & vobis impetrandis, cum effectu præbere velitis. Tantum propter Deum inde facientes, quod eadem Ecclesia cum suis in orationibus assiduis vobis imperpetuum sit astricta. Valeat reverenda vestra Paternitas semper in Christo Jhesu.

What Ecclesiastical preferments the King by his Royal Prerogative conferred in *Ireland*, and gave his Royal assent to this year, these Records inform us.

Pat. 12 E. 1. m. 12. De licentia eligendi Hibern.

REX dilectis sibi in Christo Priori & Conventui Ecclesiæ Cathedralis Sanctæ *Trinitatis Dublin.* salutem. Accedens ad nos frater *Johannes de Saunford* Concanonicus vester, cum literis patentibus Capituli vestri, nobis humiliter ex parte vestra supplicavit, ut cum Ecclesia vestra per mortem fratris *Johannis de Derlington* nuper Archiepiscopi *Dublin.* Pastoris solatio sit destituta, **alium vobis eligendi in Patrem et Pastozem licentiam concetere dignaremur**: Nos igitur precibus vestris in hac parte favorabiliter inclinati, **licentiam illam vobis duximus concedendam**; Mandantes, quod talem vobis assumatis in Patrem & Pastorem, qui Deo devotus, regimini Ecclesiæ vestræ necessarius, **nobisque et regno nostro, ac terræ nostræ *Hibernie* utilis et fidelis existat.** In cujus, &c. Teste Rege apud *Karnarvan.* 5 die *Maii.*

Consimiles literas habent Prior & Conventus de *Albodesbiry* de electione Abbatis.

The Prior and Covent electing *John Saunford* Archbishop of *Dublin*, the King assenting thereto, sent this Certificate to the Pope, for his confirmation and consecration, according to the use and Usurpation in that age.

Pat. 12 E. 1. m. 7. De assensu electioni adhibend. Hibern.

REX electioni nuper celebratæ in Conventuali Ecclesia Sanctæ *Trinitatis Dublin.* de discreto viro Magistro *Johanne de Saunford* Decano Ecclesiæ Sancti *Patricii* ejusdem Civitatis in Archiepiscopum loci illius, **Regium assensum adhibuit et favorem. Et hoc significatu n est Domino Papæ, ut quod suum est in hac parte erequi dignetur cum favoze.** In cujus, &c. Teste Rege apud *Karnarvan.* 20 die *Julii.*

The King also issued these two *Congedesliers* for the election of two other Bishops in *Ireland*, their Sees being then vacant by Bishops deaths.

Pat. 12 E. 1. m 14. De licentia eligendi.

REX Decano & Capitulo Ecclesiæ *Clonensis*, salutem. Accedens ad nos *Mauritius* filius *Mauritii* Clericus, cum literis patentibus Capituli vestri, nobis ex parte vestra humiliter supplicantes, quod cum Ecclesia vestra prædicta per mortem fratris *Alani* nuper Episcopi ejusdem loci, Pastoris solatio sit destituta, **alium vobis eligendi in Episcopum et Pastozem licentiam concedere dignaremur.** Nos, *&c.* Teste Rege apud *Roch.* 8 die *Martii.*

Pat. 12 E. 1. m. 19 De licentia eligendi.

REX dilectis sibi in Christo Decano & Capitulo *Duaren.* Ecclesiæ, salutem. Accedens ad nos Magister *Nicholaus de Canagh* Concanonicus vester, cum literis patentibus Capituli vestri, nobis ex parte vestra humiliter supplicavit, quod cum Ecclesia vestra prædicta per mortem (bonæ memoriæ) *Mauritii* nuper Episcopi ejusdem loci, Pastoris sit solatio destituta, **alium vobis eligendi in Episcopum**

et

et Pastorem licentiam concedere dignaremur. Nos, &c. Teste Rege apud *Sanctum Oswaldum* 16 die *Januarii.* *An.* 12 *E.* I.

Moreover he presented to these Benefices and Prebendaries in *Ireland* by his Prerogative, by reason of the vacancy of the Archbishoprick of *Dublin.*

BArtholomæus de S. *Neoto* habet literas Regis de Præsentatione ad Ecclesiam de *Kilfernick*, vacantem per mortem *Eudonis* nuper Præcentoris Ecclesiæ Sancti *Patricii Dublin.* & Personæ ejusdem Ecclesiæ de *Kilfernick*, **et ad donationem Regis spectantem, ratione Archiepiscopatus** *Dublin.* **vacantis, et in manu Regis existentis.** Et diriguntur literæ custodi Spiritualitatis Archiepiscopatus prædicti. Teste Rege apud *Baladenlyn.* 22 die *Junii.* Pat. 12 E. 1. m. 9. De Præsentatione.

REX dilectis sibi in Christo Decano & Capitulo Sancti *Patricii Dublin.* salutem. Sciatis quod dedimus & concessimus dilecto Clerico nostro Magistro *Thomæ de Sedington* **Thesaurariam** quam Magister *Willelmus de Montmuth* nuper defunctus habuit in Ecclesia prædicta, vacantem per mortem ejusdem *Willielmi*, **et ad donationem nostram spectantem, ratione Archiepiscopatus** *Dublin.* **vacantis, et in manu nostra existentis.** Et ideo vobis mandamus, quod eidem *Thomæ* stallum in Choro & locum in Capitulo (prout moris est) assignetis. In cujus, &c. Teste Rege apud *Karnarvan.* 20 die *Julii.* Ibid. m. 8. De Thesauraria Ecclesiæ Sancti Patricii Dublin. data.

REX venerabili in Christo patri *S. Waterforden.* Episcopo, Justiciario *Hiberniæ*, salutem. Cum **dederimus et concesserimus** dilecto Clerico nostro *Waltero de Wimburn.* **Præcentoriam una cum Præbenda**, & aliis appendiciis singulis habend. sicut *Eudo* de Sancto *Edmundo* jam defunctus, eam plenius tenuit in vita sua in Ecclesia Sancti *Patricii Dublin.* Cathedrali. Vobis mandamus, quod si quid de Præcentoria & Præbenda, seu appendiciis prædictis annexum, post mortem præfati *Eudonis*, per breve aliquod de sigillo nostro *Hiberniæ*, seu alio modo quocunque alienatum, distractum, seu per quemcunque occupatum fuerit, **prædictis Præcentoriæ et Præbendæ reintegrari et restitui fac.** Teste Rege apud *Cestr.* 14 die *Septembris.* Clauf. 12 E. 1. m. 2. Pro Waltero de Wimburn.

REX dilectis sibi in Christo Capitulo Sancti *Patricii Dublin.* salutem. Sciatis quod dedimus & concessimus dilecto Clerico nostro *Jacobo de Ispannia*, Nepoti charissimæ consortis nostræ *Alianoræ* Reginæ *Angliæ*, **Præbendam illam,** cum pertinentiis in Ecclesia Sancti *Patricii Dublin.* quam venerabilis pater Electus *Sarum* nuper habuit in Ecclesia prædicta, **vacantem et ad donationem nostram spectantem, ratione Archiepiscopatus** *Dublin.* **vacantis, et in manu nostra existentis.** Et ideo vobis mandamus, quod eidem *Jacobo* stallum in Choro & locum in Capitulo (prout moris est) assignetis. In cujus, &c. Teste Rege apud *Karnarvan.* 22 die *Octobris.* Pat. 12 E. 1. m. 2. De Præbenda data.

By which Record it is apparent, 1. That by the very election of a Prebend in *Ireland* to be a Bishop in *England*, the Prebendary in Law became void. 2ly. That the King then presented thereunto, not by reason of his promoting him to a Bishoprick, but by reason of the vacancy of the Archbishoprick of *Dublin* then in his hands, to which the Patronage of the Prebendary appertained.

King *Edward* the 1. having totally subdued the *Welsh*, in the 13. year of his reign, **pridie Kalendas* Maii *post* Walliam *subjugatam ad* Westmonasterium *veniens, præcedentibus Archiepiscopo* Cantuariensi, *& Suffraganeis suis Episcopis revestitis, cum turmis Nobilium & Religiosorum, & popularium comitivis, portionem Dominicæ Crucis non modicam, ornatam auro & argento & lapidibus pretiosis, quam de* Wallia *secum tulit, ad* Westmonasterium *cum solenni processione & concentu advexit*; where he summoned a Parliament after the Feast of *Easter*, wherein he made sundry excellent Laws for the *redresse of many oppressions of the people*, and *defaults and defects of the Laws*; whereof *Matthew Westminster* renders us this brief account. *His temporibus convocatis potentioribus terræ suæ apud* Westm. *condidit Rex Statuta,* *An.* 13 *E.* I. * Walsingham Hist. Angliæ An. 1285. p. 13. Ypodigma Nustriæ, p 71. Mat. Westm. P. 373.

An. 13 *E.* 1. *quæ* Westmonasterii *secunda dicuntur*, inter quæ Jurisdictionem Ecclesiasticorum Judicum detalcabit. Et quia prius statuerat, ne Religiosæ personæ in secularibus possessionibus crescerent, nunc statuit, ut prius habita non minorarent, vel decrescerent.

In this Parliament, to prevent all Suits in Ecclesiastical Courts for Advousons of Churches, and to give Patrons better and speedier remedies to recover their Advousons, against usurpers, in the Kings Temporal Courts, then formerly they had; the King, Lords and Commons enacted this Law.

* Westm. 2. cap. 5. Statutes at large, & Cooks 2 Instit. p 353, 354.

* *Cap.* 5. Whereas for Advowsons of Churches there be but three originall Writts; that is to say, one *Writt of Right*, and two of *Possession*, which be *Darrayne Presentment*, and *Quare Impedit*; and hitherto it hath beene used in the *Realme*, that when any haveing noe right to present, had presented to any Church, whose Clerk was admitted; he, that was very Patron, could not recover his Advowson, but onely by a *Writt of Right*, which should be tryed by *Batayle*, or by *Great Assise*; whereby Heires within age, either by fraude, or else by negligence of their *Gardians*; and Heires, both of right and meane Estate, either by negligence, or else by fraude of *Tennants by the Courtesie*, *Tennants in Dower*, or otherwise for terme of Life, or for Years, or in Fee Taile, were many times *disinherited of their Advowsons*, or at the least (which was the better for them) were driven to their *Writt of Right*; in which case *they were hitherto without remedie*: It is provided, *that such Presentments shall not bee so prejudiciall to the right Heires, or to them unto whome such Advowsons ought to revert after the death of other persons.* For as often as any haveing no right doth present, dureing the time that such Heires are in Ward, or dureing the Estates of *Tennants in Dower*, by the *Courtesie*, or otherwise for *terme of Life*, or of *Years*, or in *Taile*, at the next avoidance when the Heir is come to full age, or when after the death of the Tennants before named, the Advowson shall revert to the Heir being of full age, *hee shall have such Action and Receipt by Writt of Advowson possessorie, as his last Auncestor should have had at the last avoidance, happening in his time, being of full age before his death, or before the Demise was made for terme of Life, or in Fee Taile, as before is said.* The same shall bee observed in Presentments made unto Churches, *being of the Inheritance of Women, what time they shall bee under the power of their Husbands, which must bee ayded by this Estatute, by the remedie aforesaid.* Also Religious men, *as Bishops, Archdeacons, Persons of Churches, and other spirituall men, shall bee ayded by this Estatute, in case any haveing noe right do present unto Churches belonging to Prelacies, spirituall Dignities, Personages, or to Houses of Religion, what time such Houses, Prelacies, spirituall Dignities, or Personages bee vacant.* Neither shall this Act bee so largely understanden, that such persons for whose remedie this Statute was ordeyned, shall have the recovery aforesaid, surmysing that *Gardeynes of Heires, Tennants in Taile, by the Courtesie, Tenants in Dower, for terme of Life, or for Years, or Husbands which have faintly defended Pleas moved by them or against them*, **because the Judgements given against them in the** * **Kings Courts, should not bee annulled by this Statute, the Judgement shall stand in his force, untill it bee reversed in the Court of the King, as erroneous, if errour bee found, or by Assise of Darreine Presentment, or by enquest in Quare Impedit, if it bee passed, by Attaint, or be annulled by Certification, which shall bee freely graunted.** And from henceforth one forme of *Pleading* shall bee observed amongst Justices in *Writts of Darraine Presentment*, and *Quare Impedit*; so that where the Defendaunt alledged *plenarty in the Church of his own Presentation*, the Plea shall not fall by reason of that *plenarty*, so that the **Writt bee purchased within six moneths, though hee cannot recover his Presentation within the six moneths.** And sometimes where a Fyne is levied betweene many claiming one Advowson, and inrolled before the Justices in the rolle or fine in this forme, That one shall present the first time, and at the next Advowson another, and the third time another, and so of many in case there bee many. And when one hath presented for his tourne according to the forme of their agreement, and fyne, and at the next avoidance, hee to whome the second Presentation belongeth, is distourbed by any that was partie to the said fine, or in his stead; It is provided, that from henceforth he that is so distourbed, shall have no need to sue a *Quare Impedit*, but shall resort to the *Rolle* or *Fine*. And if the said concord or agreement bee found

* Which had sole Jurisdiction and conusance of Advousons by the Common Law.

found in the *Rolle* or *Fine*, then the Shiriffe ſhall bee commanded, that hee give knowledge unto the *Diſtourber*, that hee bee ready at ſome ſhort day, conteyning the ſpace of *fifteene dayes*, or *three weekes*, (as the place happeneth to be neare or farre) for to ſhew if hee can alledge any thing, wherefore the partie that is diſtourbed, ought not to preſent. And if hee come not, or peradventure doth come, and can alledge nothing to barre the partie of his Preſentation, by any deed made or written ſince the fine was made or inrolled, *hee ſhall recover his Preſentation, with his dammages.* And where it chanceth, that after the death of the Aunceſtor of him that preſented his Clerk to a Church, the ſame Advowſon is aſſigned in *Dower* to any Woman, or to *Tennant by the Courteſie*, which doe preſent, and after the death of ſuch Tennants, the verie Heire is diſtourbed to preſent, when the Church is void; It is provided, that from henceforth it ſhall bee in the election of the partie diſtourbed, whether he will ſue a Writt of *Quare Impedit*, or of *Darraine Preſentment*. The ſame ſhall bee obſerved in Advowſons demiſed for *terme of Life*, or *Yeares*, or in *Fee Taile*. And from henceforth in *Writts of Quare Impedit*, and *Darraine Preſentment*, dammages ſhall be awarded, that is to wit of the time of ſix moneths paſt; ſo that the Biſhop do preſent, and the very Patrone loſeth his Preſentation for that time, *dammages ſhall bee awarded for two yeares value of the Church.* **And if the ſix moneths be not paſſed**, and the preſentment be deraigned within the ſaid time, *then dammages ſhall bee awarded to the halfe yeares value of the Church.* And if the diſtourber have not whereof hee may recompence dammages, **in caſe where the Biſhop preſenteth by lapſe of time, hee ſhall bee puniſhed by two yeares impriſonment.** And if the Advowſon be deraigned *within the halfe yeare, yet the diſtourber ſhall bee puniſhed by the impriſonment of halfe a yeare.* And from henceforth Writts ſhall bee graunted for * *Chappells*, *Prebends*, *Vicarages*, *Hoſpitalls*, *Abbeys*, *Priories*, and other *Howſes* which bee of the *Advowſons of other men, that have not beene uſed to be graunted before.* And when the Perſon of any Church is diſtourbed to demande *Tythes* in the next Pariſh by a † *Writt of Indicavit*, that Patron of the Perſon ſoe diſtourbed, ſhall have a *Writt* to demande the *Advowſon of the Tythes, being in demande*; and when it is deraigned, then ſhall the Plea paſſe in the Court Chriſtian, as farre forth as it is deraigned in the Kings Court. When an Advowſon deſcendeth unto Parceners, though one preſent twice, and uſurpeth upon his Coheire, yet he that was negligent ſhall not bee cleerly barred, but another time ſhall have his tourne to preſent, when it falleth.

An. 13 *E.* 1

* See Statham, Fitzherberts & Brooks Abridgements, Natura Brevium, & the Regiſter, Tit. Aſſiſe de Darraine Preſentment, & Quare Impedit; Cooks 2 Inſtit. p. 363, 364.

† See Glanvil l. 4. c. 13. Bracton l. 5 f. 402. Britton f. 260. Regiſter of Writs, f. 35, 36.

What benefit this Act gave to Patrons, and what additions it made to the Common Law, the words of the Act, together with *Statham*, *Brooke*, *Fitzherbert*, *Hughs* in their Abridgements of the Law, *Natura Brevium*, and *Aſh*, Titles *Aſſiſe de Darrein Preſentment*, *Droit de Advonſon*, *Indicavit*, *Quare Impedit*, and Sir *Edward Cooke* in his Commentary on it, *Inſtitutes* 2. p. 353, to 366. will at large inform you: Only I ſhall obſerve three particulars from it.

First, That although Pope *Alexander* 3. the Council of *Lateran* under him, and our Biſhops endeavoured to deprive the King and his Temporal Courts of holding Plea of Advouſons of Churches, and the right of Patrons to preſent to them, (as I have [a] *elſewhere* obſerved) yet our Kings and Nobles would never aſſent thereto, but preſerved their antient Right and Juriſdiction veſted in them by the Common Laws of *England*, which they further ratified by this Statute.

2ly. That although this Pope and Council of *Lateran* (not of *Lions*, as [b] *Britton* miſtakes) confined Patrons when Churches or Prebendaries became void, [c] **quod infra ſex menſes perſonis**, *quæ digne adminiſtrare valeant, conferantur*; whereas [d] *Bracton*, [e] *Fleta*, and our other [f] *Law Books* inform us, **ante Concilium** Lateranenſe **nullum currebat tempus contra præſentantes**; the Biſhop providing only a Clerk to ſerve the Cure till the Patron preſented or collated to it, but having no power or right to preſent thereto himſelf by way of lapſe; yet this [g] *Councils* Canons did *never oblige the Kings of England*, who by their *Prerogatives* were *obliged to no time, but might and did preſent or collate to Biſhopricks, Churches, Abbies, Prebendaries, and other Benefices preſentative or donative, to which they had right, whenever they pleaſed*; nor did this binde other Patrons & Subjects of this Realm, till eſtabliſhed as a Law by conſent of the King in Parliament; yea the *ſix moneths*, (as the Council) or *half year* (as this Act ſtiles it) ſhall be accounted ſix full *Kalendar moneths*, amounting to half

a Here Tom. 1. p. 763, 764, 810, 811.
b Cap. 91. f. 225. a.
c Surius Concil. Tom. 3. Pars 1. cap. 6. p. 628. See Here Tom. 1. p. 806. Gratian Diſt. 63.
d Lib. 4. c. 6. ſect 5. f 247. a.
e Lib. 5 c. 14. ſect. 6. p. 321.
f Cooks 2 Inſtit. p. 361.
g See here Tom. 1 p. 806. Tom. 2 p 481, 842, 563.

An. 13 *E.* 1. half one year, not *six moneths* consisting of 28. *dayes*, as was adjudged by all the *Judges of England* in * *Catesbyes* case, and others therein recited.

* Cooks 6 Report, f. 62. & 2 Instit. p. 361. Crooks 2 Rep. p. 141. Fraction l. 5. c. 5. sect. 7. Rot. Pat. 27 E. 3. pars 1. m. 18. a memorable Record in this point.

3ly. That the *right of Tithes*, by the Common Law was originally and antiently triable only at the Common Law in the Kings Temporal Courts, not in the Ecclesiastical by the Canon Law, who had no Jurisdiction to hold plea of Tithes issuing out of Freeholds, no more then of rents, before the right of them was determined in the Kings Court by a Writ of *Indicavit*; which Writ (as † Sir *Edward Cooke* observes) is against the Canonical Sanction, *and yet hath been ever obeyed*; for all forreign Sanctions or Canons against the Law of the Realm are of no force, and binde not here.

† 2 Instit. p. 365.

Next, whereas King *Cnute* the *Dane* after his return from *Rome* into *England* in a Parliamentary Council at *Wynton*, in *Sancto Natali Domini*, (printed in the [a] *Chronicle of Bromton*, Mr. *William Lambard*, and Mr. *Abraham Whelock*, cap. 96, 97. in the *Latin*, but 67, & 68. in the *Saxon* Edition) for the ease of his people enacted this Law, De intestato mortuis. *Hac est allevatio quam omni populo meo providere volo, in quibus nimis omnino fuerant aggravati.* Si quis ex hac vita decedat sine distributione rerum suarum, (or, as *Lambard* and *Whelock* better translate it, fuerit ab intestato mortuus) vel per incustodiam, vel per mortem improbisam, non usurpet sibi Dominus ejus de pecunia sua, (*nisi quantum adjustam relevationem pertinet, quæ* Anglicè *vocatur* Hereget) sed sit secundum dictionem ejus, (or, *judicio suo*, not of the Bishop or Ordinary) ipsa pecunia recte dibisa, uxori, pueris, et propinquis, unicuique secundum modum, qui ad eum pertinet, *& sint relevaciones ita minutæ sicut modus est:* Which Law was afterwards ratified by [b] *Edward* the *Confessor*, *William* the *Conqueror*, & *Hen.* 1. whereby it is apparent, 1. That before this Law, the Lord of every person dying intestate, usually claimed all his money and goods to himself. 2ly. That this Law confined every Lord to seise and retain no more of his Tenants money or goods, then would satisfie the relief, rent, or *heriot* due to him at his death. 3ly. That all the rest of his goods were to be rightly distributed between his wife, children, kinred, to each of them according to his proportion, as the Lord (not Bishop or Ordinary) should adjudge or direct. 4ly. That the Writ *De Rationabili parte bonorum* in case of Intestates, is not grounded upon the particular custom of some Counties, Boroughs or Cities, as is commonly mistaken, but on a general Law of the Land, namely on this Law of King *Cnute*, ratified both by the *Confessor*, *Conqueror*, *Henry* the 1. *Magna Charta*, c. 18. and on the Common Law of the Realm, as *Bracton* l. 2. c. 26. f. 60, 61. *Hornes Mirrour of Justices*, c. 5. sect. 2. p. 213. *Fleta* l. 2. c. 57. *Fitzherbert* in his *Natura Brevium*, f. 122. b. assure us, and the antient Writs in *Glanvil*, l. 12. c. 20. Secundum consuetudinem terræ nostræ, directly resolve, against the mistaken Clause in the Writs in the *Register*, f. 122. secundum consuetudinem in Comitatu prædicto (Berks) hactenus usitatum; and Sir *Edward Cookes* error grounded thereon, 2 Instit. p. 33. That this Writ doth not lie without a particular Custom. 5ly. That the Bishop or Ordinary before, or after this Law, had no legal authority by it, or any other Statute before this Parliament to make any distribution of the intestates goods, either to his wife, children or kinred, much lesse to any pious uses for the good of his Soul; not once mentioned, nor intimated in this or any other of his or his predecessors Lawes. Yet they usurped by degrees to themselves, either by pretext of a Clause in King *Richard* the 1. his *Charter*, or [c] King *Johns Great Charter*, (omitted in that of King *Henry* the 3. and *Edward* the 1.) or by a pretended *Ordinance* of the *King and Lords*, suggested in *Ottobons*, and Archbishop *Stratfords* Constitutions; or by Archbishop *Boniface* his *Constitutions* in the *Council of Lambheth*, (*though protested, appealed against by King* Henry *the* 3. as grievances, against the rights of his Crown, the Lawes, Customes of the Realm, as I have [d] *formerly* evidenced) a power to seise, dispose, and distribute to pious uses *the goods and chattels of intestate persons*; or rather in imitation of Pope *Innocent* the 4. who by a new unheard-of Papal Statute and Constitution (Anno Dom. 1246.) claimed to himself and his successors *the disposal of the goods and chattels of all persons dying intestate, especially Clergymens*, seising upon them by his Emissaries; non sine Principum injuria et jactura, ut omnia eorum bona Papalis Charybdis deglutiret, et in gremio suæ avaritiæ amplectaretur, non sine nota manifestæ cupiditatis; as [e] *Mat. Westminster*, *Matth.*

[a] See here, p. 13, 14, 15, 90, 91, 92, 138, to 143.

[b] See here, p. 141, 142.

[c] See here, p. 13, 14, 15, 90, 91, 92, 138, to 143.

[d] Tom. 2 p. 893, 909, 983, 990, 991.

[e] Flores Hist. p. 206. Hist. Angl. p. 649 651, 652. Here Tom. 2. p 661, 671, 672, 692.

Matth. Paris, and others ſtory of him, *Quod cum audiſſet Dominus Rex* (H. 3) *An.* 13 *E.* 1.
hereſtans Romanæ Curiæ argumentoſam, ac multiplicem et multiſcmem avaritiam, hoc fieri prohibuit, comperiens illud in damnum regni et ſuum redundare præjudicium; (claiming a Regal intereſt in, and Juriſdiction over them;) which Statute and Conſtitution the *Cardinals not long after enforced this Pope to revoke*, by reaſon of the *general ſcandal it gave* in divers Climates; yet Pope *Martyn* the 4th. revived it by his practiſe near this time, in claiming the goods and chattels of [f] *Robert Kylwardby*, Archbiſhop of *Canterbury*, *dying inteſtate at* Rome, under pretext *of diſtributing them to the poor, and pious uſes*, which our Biſhops did thereupon likewiſe imitate in *England*, to the prejudice of Inteſtates Wives, Children, Lords, Creditors to whom they were obliged or indebted; Hereupon, to rectifie this uſurpation and abuſe, the King, Lords and Commons in this Parliament enacted this Law, ch. 19.

f Ant. qu. Eccleſ. Brit. p. 198. See here, p. 216.

Cum poſt mortem alicujus decedentes inteſtati, *& obligati aliquibus in debito, bona deveniant ad Ordinarium diſponenda*, obligetur de cætero Ordinarius ad reſpondendum de debitis quatenus bona defuncti ſufficiunt; *eodem modo quo executores reſpondere tenentur, ſi Teſtamentum feciſſent.* West 2. c. 19.

[g] Sir *Edward Cooke*, in his Commentary on this Statute affirms; *This Act was made in affirmance of the Common Law; That the Ordinary is the perſon whom the Law appointeth to take charge of the Adminiſtration of the goods and chattels of the party that dyeth inteſtate*, or quaſi inteſtatus; *and juſtly did the Law in this caſe appoint the Ordinary, for the Law preſumed, that he that had the care of his ſoul in his life-time, would after his death have care of his temporal goods and chattels to ſee them well diſpoſed and adminiſtred.* But under his favour, I conceive it moſt evident, that the Common Law of *England* never intruſted the Biſhop or Ordinary (much leſſe their Vicars Generals, Chancellors, Commiſſaries, Officials, Surrogates) with the general diſpoſition, adminiſtration, or Judicature of all *inteſtates* temporal goods, debts, chattels after their deaths, of which they had, yea ought to have no care, diſpoſition, juriſdiction, adminiſtration during their lives, being inconſiſtent with, incongruous to their ſpiritual function, which is only the cure of ſouls, not of mens worldly eſtates, as I have [h] *elſewhere* evidenced; and the [i] *forecited Lawes* of *King Cnute*, *Edward* the *Confeſſor*, the *Charter* of *King Henry* the 1. and *Magna Charta*, which divide the goods and chattels of Inteſtates between their wives, children, if they have any, or the next of kin, and leave them to their adminiſtration and diſtribution, or elſe to the Kings, Lords of whom they held, not to the Biſhop or Ordinaries; Which being the antient *Common & Statute Law of England*, this his aſſertion muſt be a clear miſtake, contrary to his own and our other Judges Reſolutions in [k] *Henſloes* caſe: So that the end of this Statute (as I apprehend) was only to ſubject Ordinaries who ſeiſed goods or Chattels of perſons dying inteſtate by their uſurped Juriſdiction, (under this forged, falſe Popiſh pretext, *of diſtributing them to pious uſes for the good of their ſouls, to leſſen their torments, and reſcue them out of purgatory*) and make them as farre forth liable to ſatisfie the Inteſtates Bonds and Debts, as his Executors then were, had he made any; but not to give them any new legal authoritie or Juriſdiction over Inteſtates goods and chattels, which they had not before by the Common, or any other precedent Statute Law.

g 2 Inſtitutes, p. 397.

h See Here, p. 138, 139, 140.

i Here, p. 13, 14, 141, 142.

k 6 Report, f. 37, 38. 2 Inſtit. p. 488.

Moreover, to prevent the fruſtrating of the Statutes againſt *Mortmain* by religious and other Eccleſiaſtical perſons, through *defaults*, *colluſions*, or *erecting Croſſes* on Lands, this new Law was then likewiſe enacted.

* *When religious men and other Eccleſiaſtical perſons do implead any, and the perſon impleaded makes default, whereby he ought to loſe the Land, foraſmuch as the Juſtices have thought hitherto, that if the party impleaded make default by colluſion, that where the Demaundant by occaſion of the Statute could not obtain ſeiſin of the Land by way of Gift or other alienation, he ſhall now by reaſon of default, and* ſo the Statute is defrauded: *It is ordained by our Soveraign Lord the King in this caſe, that after the default made, it ſhall be inquired by the Countrey, whether the Demandant had right in the thing demanded, or no? and if it be found that the Demandant had right, the Judgement ſhall paſſe with him, and he ſhall recover ſeiſin*; and if he hath no right, the Land ſhall accrew to the next Lord of the Fee, if he demand it within a year from the time of the Inqueſt taken. And if he do not demand it within a year, it ſhall accrew to the next Lord * 13 E. 1. c. 32.

An. 13 E.1. Lord above, if he do demande it within half a year. And so every Lord after the next Lord, immediately shall have the space of half a year for to demand it successively, untill it come to the King, to whom at length, through defaute of other Lords, the Land shall accrew: *And to challenge the Jurors of the Inquest every of the Chief Lords of the Fees shall be admitted; and likewise for the King they that will shall challenge. And after the Judgement given, the Land shall remain in the Kings hands, untill it be dereyned by the Demaundant or some other Chief Lord; and the Shiriffe shall be charged to answer therefore at the Exchequer.*

Cap. 33. * See Fleta, l. 2. c. 50. sect. 16, 17, 18. p. 108. l. 5. c. 35. p. 365.

Forasmuch as many Tenants *set up, *or cause to be set up* Crosses *in their Lands in prejudice of their Lords, to the intent their Tenants should defend themselves against the Chief Lords of the Fee, by the priviledge of* Templars and Hospitallers; *It is ordeyned*, that such Lands shall be forfeit to the Chief Lords, or the King, in the same manner as is provided for Lands aliened in Mortmayne.

For the true meaning and scope of which two Statutes, I shall referr you to *Statham*, *Brooke* and *Fitzherbert* their Abridgements, Title *Collusion*; and *Cookes 2 Institutes*, p. 428, to 433.

To prevent the Whoredom & Ravishment of Nuns they enacted, c. 34. *Qui Monialem à domo sua abducat, licet Monialis consentiat*, puniatur per prisonam trium annorum, *& satisfaciat domui à qua abducta fuerat competenter*, et nihilominus redimatur ad voluntatem Regis; all temporal penalties for what the Clergie deemed an Ecclesiastical offence; whence the Writ upon this Statute by a Prioresse for taking away a Nun, recites, * *per quod divinum servitium in Ecclesia ipsius Priorissæ multipliciter substractum fuit & diminutum.*

* Register, f. 74. b. & 107. b.

Moreover to prevent the Alienation of Lands given to Monasteries by the King, his Ancestors, or others to religious uses, or services, by *Abbots*, *Priors* and *Wardens* for their own private luchre, or advancement, to purchase great preferments from the Pope, or to enrich their kinred, whores, or bastard children, against the Founders and Donors intent, to the discontinuing or ceasing the divine services or uses for which they were originally given, they provided new temporal remedies, no waies pleasing to the Abbots or Monks.

Cap. 41. *Our Soveraign Lord the King hath ordeined, that if Abbots, Priours, Keepers of Hospitals, and other Religious Houses, founded by Him or by his Progenitors, do from henceforth aliene the Lands given to their houses by him, or by his Progenitors*; the Land shall be taken into the Kings hands, and holden at his will; and the Purchacer shall lose his recovery as well of the Lands, as of the Money that be paid. *And if the House were founded by an Earle, Baron, or other persons, for the Lands so alienedy, he, from whom, or from whose Auncestor the Land so alienated was given*, shall have such a Writ to recover the Lands in Demean. Præcipe tali Abbati quod justè, &c. reddat *G. F.* tale tenementum, quod eidem domui collatum fuit in liberam Eleemosinam per prædictum *G.* vel antecessores suos, & quod ad prædictum *G.* reverti debet, per alienationem, quam prædictus Abbas fecit de prædicto Tenemento, contra formam Collationis prædictæ, ut dicit. *In like manner for Lands given for the maintenance of a* Chauntery, *or of a light in a* Church *or* Chappell, *or other* Alms *to be maintained, if the Land given be aliened. But if the Land so given for a* Chauntery, Light, Sustenance of poor people, or other Almes to be mainteined or done, *be not aliened, but such Alms shall be withdrawn by the space of two years, an action shall lye for the Donor or his heir to demaunde the Land so given in Demean, as it is ordeined in the Statute of* Gloucester (c.4.) *for Lands leased, to do or to render the fourth part of the value of the Land, or more.*

* See John Bale his Acts of English votaries; Onus Ecclesiæ, cap. 19. to 24 Alvarus Pelagius de Planctu Ecclesiæ, l. 2. Artic. 5, 7, 9, 19, 20, 23, 24, to 28. Nicholaus de Clemangiis de Corrupto Ecclesiæ statu; & Claudius Espencæus de Continentia, lib. 4, 5. 22 E. 1, c. 20. & 29. * Cooks 2 Instit. p. 458.

One chief design in making this Law, was to prevent Abbots and Priors giving, or leasing the Lands of their Churches to their Whores, Concubines and Bastard children; a * common practise among these unchast Votaries, as well as with Popes, Cardinals, and Popish Bishops.

By virtue of this Act, *Hil.* 38 E. 3. rot. 14. *coram Rege*, it was found by Inquisition, that **Thomas de Pipe* Abbot of *Stonely* in *Warwickshire*, (a lusty Stallion) of the foundation of *Henry* the 2. had alienated divers parts of the Mannor of *Stonely*, and other Lands for life, Isabellæ de Beneshare Concubinæ dictæ Abbatis, et Johanni filio eorundem Abbatis et Isabellæ primogenito: *habendum & tenendum ad terminum vitæ eorundem* Isabellæ & Johannis; And other lands to other persons,

absque

absque aliquo reddendo inde annuatim, vel præ manibus inde ab eisdem percepto,= sed tantummodo ad opus et proficuum ipsius Abbatis; et maxime pro sustentatione et inventione prædictorum Isabellæ et puerorum eorundem Abbatis et Isabellæ, qui excedunt numerum Monachorum suorum missas celebrantium, si forte deponeretur de statu suo. And this was held an alienation within the meaning of Act. *Az.* 13 *E.* 1.

They likewise setled what fees Abbots, Priors, Archbishops and Bishops should pay to the Kings Marshal and Chamberlein when they made their homage and fealty to the King for their *Baronies* held of him by *Barony*, and not in *Frankalmoigne.*

Concerning the Kings Marshalls of Fee, the said Marshalls shall take of Abbots *and* Priours *holding an whole* Barony, *when they make Homage or Fealty for their* Baronies *one Palfraie, or the price. And this shall also be observed amongst* Archbishops *and* Bishops. *Of such as hold but a part of a Barony, whether they be Religious or Secular, he shall take according to the Portion of the part of the Barony that they hold. Of Religious men that hold in* free Almes, *and not by a* Barony *or part of a* Barony, *the* Marshal *from henceforth shall demaund nothing. And our Soveraigne Lord the King hath granted, that by this Estatute a* Marshall *of Fee shall not be barred hereafter to demand more, if he can shew that he hath right unto more. The Kings* Chamberlains *from henceforth shall have of* Archbishops, Bishops, Abbots, Priours, *and other persons Spiritual, of* Earls *and* Barons *holding an entire* Barony, *a reasonable fine, when they do their Homage.* Ibid. Cap. 41.

By this it is apparent, that Archbishops, Bishops, Abbots, and Priors, then did, and ought to do both Homage and Fealty to the King as their Soveraign Lord, for their Baronies, as well as Temporal Lords, at leastwise after their election, and before their consecration, if not after it; as is evident by *Glanvil*, l. 9. c. 1, 2. *Bracton*, f. 78. E. *Britton*, c. 68. *Fleta*, l. 3. c. 16. *Littleton*, §. 86. and other evidences I have [1] *elsewhere* cited at large, notwithstanding all Popish Canons and Decrees against it.

[1] *The first Part of a Brief Register of Parliamentary Writs, p. 195, to 208.

The *Templars* and *Hospitallers*, and Conservators of their Priviledges by Bulls from Popes usurping upon the Kings Prerogative and Subjects Liberties, by illegal Citations into their Courts, for matters belonging to the Kings Courts; they then enacted this Law against such their Usurpations.

Be it prohibited from henceforth to Hospitallers *and* Templars, *that hereafter they bring no man in Plea before the Keepers of their Priviledges,* for any matter, the knowledge whereof belongeth to the Kings Court; which if they doe, first they shall yield Damages to the party griehed, and be grievously punished unto the King. The King also prohibiteth to the Keepers of such Priviledges, that from henceforth they graunt no Citations at the instance of Hospitallers, Templars, or other persons priviledged, before it be expressed upon what matter the Citation ought to be made. And if the Keepers do see that a Citation is required upon any matter, the knowledge whereof belongeth to the Kings Court, the Keepers shall neither make nor knowledge the Citation. And if the Keepers doe otherwise, they shall yield Damages to the party grieved, and nevertheless shall be grievously punished by the King. *And forasmuch as such persons priviledged depute* Keepers, Superiours, Chaunters, Sextons, which be Religious men, and which have nothing to satisfie the Parties grieved, nor the King, which be more bold to offend the Kings Dignity, then their Superiours, to whom punishment may be assigned by their Temporalties; Let the Prelates of such Obedients therefore beware from henceforth, that they doe not suffer their Ordinaries to assume to themselves any Jurisdiction in prejudice of the King and his Crown; and if they do, their Superiours shall answer for their fact, as if they had been convict upon their proper Act. And by parity of Law and Equity, Archbishops, Bishops, and other Ordinaries ought to answer for the usurpations, extravagances, excommunications, oppressions of their Vicars, Archdeacons, Chancellors, Commissaries, Surrogates, and other inferior officers, who commonly are more bold to usurp upon the Kings Crown, Dignity, Courts, and more vex, oppresse, grieve his Subjects, then their Superiours, as the experience of all ages evidence, to raise a fortune or family by unlawful gain, though they go to Hell in conclusion, and intail a curse upon their posterity. Ibid. cap. 43.

This

An. 13 *E.* 1. a 2 Institutes, p. 487. b.

This Year in this Parliament, as [a] Sir *Edward Coke*, and some of our ordinary printed Statute Books report, *Circumspecte agatis*, was made and published, thus recorded in *William* Lindewode his *Provinciale*, l. 2. *De Foro Competenti* f. 70. printed *Antwerpiæ*, Anno 1525. 20 die *Decembris*: in *Richard Tottles Magna Charta*, Londini 1556. f. 89. and other Statute Books since.

REX talibus Judicibus salutem. Circumspecte agatis de negotiis tangentibus Episcopum Norwicensem, & ejus Clerum; non puniendo eos si placitum tenuerint in Curia Christianitatis de his quæ sunt mere spiritualia; *videlicet*, de correctionibus quæ Prælati faciunt pro mortali peccata; *viz.* pro fornicatione, adulterio, et hujusmodi: *pro quibus aliquando infligitur* Pœna corporalis, aliquando pecuniaria, *maximè si convictus fuerit de hujusmodi liber homo. Item*, si Prælatus puniat pro Cimiterio non clauso, Ecclesia discooperta, vel non decenter ornata; in quibus casibus alia pœna non possit infligi quam pecuniaria. *Item*, si Rector petat versus parochianos Oblationes vel Decimas debitas vel consuetas, vel si Rector agat contra Rectorem de decimis majoribus, vel minoribus, dummodo non petatur quarta pars valoris Ecclesiæ. *Item*, si Rector petat Mortuarium in partibus ubi mortuarium dari consuevit. *Item*, si Prælatus alicujus Ecclesiæ, vel advocatus petat a rectore Pensionem sibi debitam: omnes hujusmodi petitiones sunt faciendæ in foro Ecclesiastico. De violenta manuum injectione in Clericum, et in causa Diffamationis concessum fuit alias, quod placitum inde teneatur in Curia Christianitatis, cum non petatur pecunia, sed agatur ad correctionem peccati, et similiter pro fidei læsione. In omnibus prædictis casibus habet Judex Ecclesiasticus cognoscere Regia prohibitione non obstante.

Whether *Articuli Cleri* be a Statute or Act of Parliament or not, and when, where, or by whom made, there have been different, yea contrary opinions amongst Lawyers: *Mich. 19 E. 3. *Fitzh. Jurisdiction* 28. *Grene* a Counsellor pleaded it as a *Statute*, in a Writ of *Annuity* brought by the Bishop of *Winchester* against the Archbishop of *Sarum*, which *Annuity* he and his predecessors claimed by prescription against the Archdeacon and his predecessors; comparing it, to the case of an *Annuity* between the *Parson* and *Vicar*, and between the *Patron* and *Parson*, which ought to be brought in Court Christien, *qe per Prohibition la Court illonque ne surceas*, et ceo boet le Statut de Circumspecte agatis. To which *Hillary* (then a Judge) replied; ceo nest pas estatut neusable; and *Willoughby* (then Chief Justice of the Kings Bench) thus seconded, Non, les Prelats ceo fieront mesme: & *in touts deux les cases que vous aves myse, ceste Court sur Title de prescription veit le construe: par que respondes*, & ceo fuit per agard. So as these two learned Judges then resolved it to be no Statute or Act of Parliament, but a Writ or Constitution made by the *Prelates themselves*. Yet notwithstanding afterwards in the Yearbooks of 10 H. 4. f. 1. b. *Fitzherbert Præmunire* 13. in a case concerning a *Mortuary*, *Chyne* a Pleader, after him *Constable*, Anno 12 H. 7. f. 23. a. and *Plowden* in *Plots case*, An. 4 E. 6. fol. 36. b. stile it, Lestatute *de Circumspecte agatis*. Sir *Edward Coke* in his 4 Report, f. 20 b. in his 6 Report, f. 67 a. *William Geoffries* case. Mich. 31 & 32 Eliz. & 7 Report, f. 44. stiles it, Le Statute et Act de Circumspecte aga- An. 13 E. 1. Yea in his 2. Instit. p. 487, &c. he not only stiles, but prints, comments on it as a Statute made An. 13 E. 1. and positively avers, that this is an Act of Parliament, *and* a Writ devised in the Parliament of Westm. 2. Anno 13 E. 1. *which is proved not only* by our Books, (forecited, quoted in his Margin) but by an Act of Parliament, to wit, 2 & 3 E. 6. ch. 13. which calls *Articuli Cleri*, and *Circumspecte agatis*, Statutes, in the last *proviso* but one; whence he concludes in his Commentary thereon. *This Act is (*as here it appeareth*) a Statute, and enacted An. 13 E. 1. *though some have said, that this was no Statute, but made by the Prelates themselves.* Besides the *Statutes* at large printed at *London*, An. 1564. most other *Statutes* at large since, with *Rastalls* and others *Abridgements of Statutes*, call it, The Statute of Circumspecte agatis, 13 E. 1. Only *Richard Totle* his *Magna Charta*, printed *London* 1556. f. 89. terms it *Circumspecte agatis*, Edit. An. 13 E. 1. without stiling it, *a Statute.*

*The first Lawbook, case that mentions it.

* 2 Instit. p. 661, 663.

* See his Preface to his Provincia'e.

William Lindewode our greatest *English Canonist*, An. 1423. being the *first year of

of King *Henry* the 6. inserted this *Circumspecte agatis* into his *Provincial Constitutions* of our Archbishops and Prelates, Provincialis lib. 2. Tit. *De foro Competenti*, f. 70. and made a large glosse thereon; where he writes; *Istud c.* Circumspecte; *non est Constitutio provincialis*, sed emanavit a Decreto Dom. Regis, (not Act of Parliament) *quomodo viz. Justiciarii sui missi in Diocesi* Norwyc. *ad aliqua ibidem ex parte Regis facienda & inquirenda, se quo ad Clerum ejusdem Diocesis abstinerent ab infra scriptis*, dimittentes ea foro Ecclesiastico, et Ecclesiæ judicio terminanda et decidenda. Et nota, *quod in hoc c.* recitantur in specie 13. casus, sive articuli, in quibus cognitio mere pertinet ad Judicem Ecclesiasticum. And on the words *Norwycensem Episcopum*; he thus glosseth. Rex ei misit certos Justiciarios suos ad procedendum sub certa forma contra Episcopum Norwycensem, et alios de Clero sibi adhærentes, quibus postea Rex scripsit, ut hic habetur. So as *Lyndewode* (who first glossed upon this Text and Writ) never stiled nor esteemed it a Statute or Act of Parliament, but only a private Writ issued by the King to his Justices sent into the Diocese of *Norwich*, to inquire for the King of the abuses and encroachments of this Bishop and his Clergy upon his prerogative and the peoples Liberties, procured by this Bishop and his Clergy after their mission thither. But what King it was who thus sent this Writ, or when, or where it was made or dated, he determins not, being not mentioned in the Writ it self, nor any Copies of it (all without date) the first whereof I finde printed being that in *Lyndewode* his *Provinciale*, Antwerpiæ impressum, Anno 1525. 25 die *Decembris, summa cura atque diligentia* Christophori Eudovien. *An.* 13 *E.* 1.

To satisfie my self and others, whether this was a real Statute or Act of Parliament, and when, where, or by whom first made, I have made the diligentest search and enquiry I could after it and its original, both in our Records and Histories, and am clear of opinion after all my inquiries, That it is no real Act of Parliament, nor made in the 13. year of King *Edward* 1. in the Parliament at *Westminster*, nor in any other Parliament or year of this King *Edward* his reign; that it was only a Writ grounded on *Articuli Cleri* Anno 9 E. 2. made by, or issued upon the Bishop of *Norwich* his request, after *Articuli Cleri*; as these following Reasons perswade me.

First, It is not once mentioned nor recorded in the *Statute Roll* of the Acts of Parliament made in the 13. and all other years of the reign of King *Edward* the 1. remaining in the Tower of *London*, nor in any *Patent*, *Clause*, *Charter*, *Fine*, or other Roll or Record of this Kings reign, (which I have twice diligently perused) nor in the Records of King *Edward* 1. in his *Majesties Exchequer*; where doubtless it would have been enrolled, as well as all other Acts, Statutes, Ordinances, and Writs of importance made in his reign, being of so grand concernment to his Prerogative, Courts of Law, the Prelates Jurisdiction, and Subjects Liberties.

2ly. It is not so much as mentioned by, nor registred in the antient parchment Manuscript of the Statutes of King *Henry* 3. *Edward* 1. and beginning of *Edward* 2. his reign, in *Lincolns Inne* Library, written (as the hand perswades me) in the reign of King *Edward* the 2.

3ly. The first time it was urged in any Court of Justice as a *Statute*, was * *Mich.* 19 *E.* 3. and then the Judges (who best knew its original) affirmed and resolved it to be no Statute, but only a Writ formed in the Kings Name, by the Bishops themselves, to the prejudice of the Kings Crown and Courts, to enlarge their own Jurisdiction.

* Fitzh. Jurisdiction 28. See here p. 336.

4ly. Thereupon about 6. years after, in the 3d. Parliament held in the 25. year of King *Edward* 3. at *Westminster*, *Friday* the Feast of St. *Hilary*, the Bishops and Clergy in their Petitions to the King, did neither stile, nor presse the observation thereof as a Charter, Statute, or Ordinance of Parliament, but under the Name of a bare * *Ordinance* of *Circumspecte agatis*, as some then called it: Their Petition, and the Kings answer thereto, is thus recorded in the Parliament Roll. † Item, qil vous plese graunter qe l'ordinance qe lun appelle *Circumspecte agatis*, le quel est bien tenuz en plusurs pointz, qe touchont conisance de vostre place, et vostre profit, soit auxibien et entierment tenue en touz pointz touchont Seinte Eglise. To which the King gave this answer: *Item quant ou quins point*, soit veue l'ordinance qe home appelle *Circumspecte agatis*, et en quel point elle nest mie tenue, et qe sur ceo reason en soit faite. From which Petition and answer thereunto, I shall observe;

* See the Abridgement of the Records in the Tower, p. 81. which mistranslates it a Statute.

† Rot. Parl. An. 25 E. 3. nu. 62.

An. 13 E. 1. serve: 1. That in that *Circumspecti agatis* mentioned in this their Petition, there were many points which concerned the conusance of the Kings Court, and the Kings profit, which were well observed, as there are in *Articuli Cleri*; but in that now printed under this Title, there is nothing conteined of this nature; wherefore it seems to be meant only of *Articuli Cleri*, not of this forecited Writ, grounded on the Ecclesiastical branches of it. 2ly. That if meant of it, yet the Bishops and Clergy themselves did not then call it a *Statute* or *Ordinance of Parliament* in their Petition, nor the Kings Judges, Officers esteem or observe it as such, in any points that concerned Holy Church. 3ly. That the Bishops and Clergy themselves did in their Petitions in this Parliament, distinguish, yea sever it from those Charters, Statutes, Ordinances granted and confirmed to them in Parliaments by the King and his Royal Predecessors, insisted on in their first Petition, in these words; nu. 58. *Qe le Roy de sa benignete*, (would vouchsafe) *a eux granter & confermer* **totes les libertes, privileges et droitz, grantez et confirmez per luy et ses noble progenitours avant ses heures a Seinte Eglise per lour Chartres, Estatuz, et autres Ordinances eut faitz; nuiment le Chartre nadgares a eux grant, &c.** (*viz.* 14 E. 3. Stat. 3. c. 2.) **par le Roy en son Parlement tenuz a Westm. le merchedy en un quaresme lan de son regne Dengleterre quatorzisme, et de France primer, et que vous Justices les allouent come reason est, et fils ne faont**; *commander a vostre Chanceller, qe briefs soient grantez a chescun qe les demandra solonc la forme*, **et tenour des dits grants, Ordinances et Estatuz.** Which the King then absolutely granted and confirmed to them; giving likewise a particular answer, **Quant au point touchant L'ordinance nadgares fait en Parlement**; in the 14. year of his reign. Since then they mentioned not this Ordinence of *Circumspecte agatis* in their first petition, amongst the other Charters, Statutes and Ordinances made and granted to them in Parliament; nor alledge in their second Petition, wherein they mention it, that it was made in Parliament, nor in what Parliament, as they did the Charter, Ordinance made by the King in the Parliament held at *Westminster Anno* 14 *E.* 3. (c. 2.) concerning his presentation to Advousons in others rights, (the place, day, year whereof they particularly expressed) yea prayed no Writs to be made upon it by the Chancellor to those who demanded them, as they did upon the Charter, Statutes and Ordinances made in Parliament, it seems clear to me they did not repute it an *Act*, or *Parliament Ordinance*. 4ly. The King in his answer thereto, not calling it an *Ordinance made in Parliament*, as he did that in their first Petition, but only *L'ordinance qe home appelle, Circumspecte agatis*; giving no present answer to it, as to the rest, but *that it should be viewed and considered, in what point it was not observed*; and *that thereupon reason should be done*: These are convincing Arguments to me, that it was no real Act nor Ordinance of Parliament, but a meer Writ made and procured by the Bishop of *Norwich* out of Parliament, during the Judges absence in their Circuits, without advising with them, as the Judges resolved and declared in open Court *Anno* 19 *E.* 3. not above six years before this Petition for its future observation.

5ly. Neither *Matthew Westminster*, nor *Thomas Walsingham*, *William Thorne*, *Ranulphus Cestrensis*, *Henry de Knyghton*, nor any other of our Monkish or Prelatical Historians, living in or neareſt the time when this supposed Statute was made, make any mention thereof in their Histories or Annals, as no doubt they would have done, were there any such then enacted, being so advantagious to the Clergy, and much enlarging their Ecclesiastical Jurisdiction.

6ly. The whole frame thereof, with its direction only to particular Judges, in this particular case of the Bishop and Clergy of *Norwich*, unanswerably demonstrates it to be only a private Writ framed in the Kings name, or issued by him to his Justices, as *Lindewode* acknowledgeth; not a Statute, or general Writ framed by the King, Lords and Commons in Parliament, to be from thenceforth universally observed in all Dioceses, and in all Temporal Courts, Circuits by his Judges.

7ly. Had it been made and issued in the Parliament of *Westminster* 2. An. 13 E. 1. as Sir *Edward Cooke* affirms, no doubt it would have been added to, or inserted amongst the other Acts, Statutes, and general Writs therein framed and provided, cap. 5, 10, 19, 23, 24, 25, 26, 31, 35, 45, 46, 48. or at least some intimation would therein been made thereof; but in neither of all these Acts, or other new

Writs

Writs framed in that Parliament, is there any mention or intimation of this, or other like Inhibition to the Kings Justices, in any one of, much lesse in all the 13. causes therein conteined; therefore not probable to be made in that Parliament or year: The rather, because in the *Patent-Roll* of 13 E. 1. nu. 9, 13. I finde a special license of alienation in Mortmain, & also a pardon for an escape of a Clerk convict, granted to the Bishop of *Norwich*, but no other Writ or Patent besides concerning him, in that or any other Roll of that year; which no doubt would have recorded this Writ of *Circumspecte agatis* for him *in perpetuam rei memoriam*, had there then been any such issued, being of greater concernment to the King and Bishop, then his license of *Mortmain*, or pardon for an Escape. *An.* 13 *E.* 1.

8ly. All the particulars therein mentioned, are enumerated, conteined in *Articuli Cleri*, presented by the Bishops and Clergy to King *Edward* 2. in his * *Parliaments* of An. 5, 8, & 9 E. 2. Artic. 1, 2, 3, 4, 5. wherein they make not the least mention of this *Statute* or Writ of *Circumspecte agatis*; which no doubt they would have particularly named upon that occasion, and desired its observation, confirmation and explanation, had it been formerly enacted, published as a *Statute*, or *Ordinance made in Parliament*; and not petitioned only for an *Explanation* of the Kings *Answers to their own new Petitions* in 9 E. 2. and his two preceding Parliaments, without once naming this *Circumspecte agatis* in the reign of his Father King *Edward* 1.

* Cooks 2 Instit. p. 618, 619, 620.

9ly. There are some observable clauses in this Writ, which evidence it rather to be made by the Bishops, then the King or his Council, and that not in 13 E. 1. but after *Articuli Cleri* Anno 9 E. 2.

As First, These general clauses; *De his quæ sunt merè spiritualia*, viz. **de correctionibus quæ Prælati faciunt pro mortali peccato; viz. pro fornicatione, adulterio, et hujusmodi**: Which affirm, That all mortal sins, especially *fornication*, *adultery*, and the like, are *meerly spiritual* in their own nature, therefore properly punishable only in the Bishops Spiritual Courts, by their Spiritual Laws and penalties: When as God himself and St. *Paul* expresly resolve, they are meerly *fleshly*, or *carnal*, directly contrary to *spiritual* things, Gal. 5. 16, to 25. *Walk in the* **spirit**, *and ye shall not fulfill the lusts of the* **flesh**; *for the* **flesh** *lusteth against the* **spirit**, *and the* **spirit** *against the* **flesh**; **and these are contrary one to the other.** *Now the* **works** *of the* **flesh** *are manifest, which are these;* **adultery, fornication, uncleanness, lasciviousness, idolatry, witchcraft, hatred, variance, seditions, heresies,** *envyings, murders, drunkenness, revellings,* **and such like.** How then *adultery*, *fornication*, *uncleanesse*, *lasciviousnesse*, or *idolatry*, *heresie* should be *meerly spiritual*, any more then *witchcraft*, *sedition*, *murder*, *drunkennesse*, and other *mortal sins*, here and [a] *elsewhere* conjoyned by the Apostle as *meerly carnal*, yea *contrary to that which is spiritual*, I cannot discern. The rather, because by the expresse *Laws* and *Institutions* of God himself, *adultery*, *fornication*, *idolatry*, *blasphemy*, *heresie*, as well as *murder* and *sedition*, were to be punished by the Civil Magistrates and People, with *death* and other *temporal punishments*, not by the *High-Priests*, or *Bishops* in their Consistories, as is evident by *Gen.* 34. 25, 26, 31. c. 38. 24, 25. *Levit.* 20 10, to 22. 13, to 30. c. 24. 11, to 17. *Deut.* 13. 1, to 17. 2 *Kings* 10. 18, to 29. *Zech.* 13. 2, 3. *John* 8. 4, 5. Yea the Gospel it self resolves, that *Kings and Civil Magistrates* (not Bishops or Priests) *are Gods Ministers, to whom he hath committed the Sword, to execute wrath and vengeance upon all them that do evil*; Rom. 13. 1, to 7. 1 Pet. 2. 13, 14. Hence *adultery*, *whoredom* and *fornication*, by the Laws of King [b] *Alfred*, *Cnute*, and other our antient Kings, were punished *by the Civil Judges*, *Magistrates*, *and in Court Leets; with temporal punishments*, *and pecuniary fines*, as they were antiently amongst the *Germans*, and other *Heathen Nations*, and *only Excommunicated*, not by the Bishop, but *by the* * *whole Church and Congregation* for the scandal given to them, without imposing any corporal or pecuniary punishments. Hence our [c] King *Henry* the 3. issued sundry Writs of Prohibition to *Grosthead* Bishop of *Lincoln*, the Bishop of *Worcester*, and their Officers, prohibiting them to make any *Inquiries upon Oath* of the *incontinency* or *manners* of Noblemen or others, in their *Courts* or *Visitations*, as an *innovation not formerly used*, *against his Crown and Dignity*, *tending to the great scandall*, *defamation and vexation of his Subjects*. Therefore it is improbable King *Edward* the 1. would make, issue out any such Law or Writ as this, to authorize their Jurisdiction and proceedings in such cases, against his Fathers

a Rom. 1. 26, to 32. 1 Cor. 6. 9, 10. 1 Tim. 1. 9, 10.
b Aluredi Leges, Lex 12, 13 Lat. 10, 21. Canuti Leges, Lex 75, to 82. Chron Joannis Bromton, col. 813, 928. Spelmanni Concil. Tom. 1. p 195, 234, 367, 369, 373, 376, 557, 558. Leges H. 1. c. 12, 34. Edmundi Leges c. 4. Fleta l. 1. c. 47. Cooks 2 Instit. p. 488. Spelmanni Glossarium Tit. Adulterium.
* 1 Cor. 5. 4, 5, 12, 13. 2 Cor. 2. 6, to 11.
c See Here Tom 2. p. 699, 704, 705, 706. & Tom. 3. p. 78; to 83.

An. 13 *E.* 1. Prohibitions. Besides, [d] *William Lindewode* himself in his Glosse upon this Writ, acknowledgeth this clause to be too general and indefinite, and therefore thus limits it; *Non intelligas de omni peccato mortali, sed de tali cujus punitio de sui natura spectat ad forum Ecclesiasticum*: **nam si ratione cujuslibet peccati mortalis cognosceret Ecclesia, sic periret temporalis gladii jurisdictio, cum sit esset dare causam cujus ratione peccati possit deferri ad Ecclesiam.** Therefore it is improbable this wise King, his Counsil, Judges, Parliament should be so *uncircumspect*, as to insert this general ambiguous clause into this Writ, much lesse into an Act of Parliament, so destructive to the Kings Temporal Sword, Courts, and Jurisdiction. The only reasons why Bishops and Clergymen then reputed *adultery*, *fornication*, and such like *carnal sins*, to be *meer spiritual things and offences*, were these two: First, Because spiritual persons in that age (by reason of prohibitions of Priests marriage) were more guilty of them then Laymen, as their own *Canons*, [e] *Writers* attest: Wherefore they voted them by their Canons to be *meerly spiritual*, thereby to engrosse the conusance and punishment of them to themselves, to exempt themselves from any punishments for them by Temporal Judges, concealing or conniving at these sins in those of their own order, which they seldom punished, the better to palliate and conceal their *uncleanesse* from the Laity. 2ly. Because they were sins for the most part against their pretended new *Sacrament of Marriage*, and the conusance of all causes relating to this *Sacrament* must be *spiritual*, and belong to them, to whom alone this *Sacrament* was then *unlawfull*, *incompatible* by their own Canons, so far as to null their very Sacrament of *Orders* if they *married*, diametrically repugnant to *Christs* and his *Apostles* Doctrine, *Mat.* 19. 3, to 15. 1 *Cor.* 7. 9, &c. 1 *Tim.* 3. 2, 4, 11. c. 4. 3. *Tit.* 1. 5, 6. *Hebr.* 13. 4.

d Provincial l. 2. f. 70. a De mortali peccato.

e See Alvarus Pelagius de Planctu Ecclesiæ, l. 2. Artic. 3. to 28. Claudius Espencæus de Continentia, l. 4. c. 11. l. 5. c. 7. 8 l. 7. c. 7, to 14 & Com in Tit. 1. Nicholaus de Clemangiis de Corrupto Ecclesiæ statu, c. 23, 24. Onus Ecclesiæ, c. 21, 22, 23. Cornelius Agrip. de Van. Scientiarum, c. 63. John Bale his Acts of English Votaries.

Secondly, *William Lindewode* under this large word *hujusmodi*, in his Glosse thereon hooks in not only *stuprum, incestus, & alia quæ sub peccato luxuriæ continentur; sed etiam alia crimina quæ fuit tractanda & punienda in foro Ecclesiastico*, viz. *sacrilegium, crimen usurarum, hæresis, symonia, perjurium, inspectatores nugarum, consultores mathematicorum, phanatici augures, aruspices, & ebriosi.* Therefore it is most probable the Bishops and their Canonists, not the King, his Counsil or Judges, inserted these general indefinite clauses into this Writ, to enlarge their own Jurisdiction to the utmost extent upon all occasions, to the prejudice of the Kings Prerogative, and his Temporal Courts.

Thirdly, This clause, *Si Prælatus puniat pro Cimiterio non clauso*, &c. was an Innovation not long before first introduced and inquired of by * *Grosthead* Bishop of *Lincoln* in his Visitation Articles, against which King *Henry* 3. issued Writs of Prohibition, *Anno* 1220. After which it was prescribed by [f] *Alexander* Bishop of *Coventry Anno* 1237. by *Walter de Cantilupo Anno* 1240. by *Walter* Bishop of *Durham Anno* 1255. and more particularly by *Peter Quivil* Bishop of *Exeter Anno* 1287. the 15. of *Edward* 1. But the enforcing of it on the Parishioners against their wills, by pecuniary mulcts imposed in Ecclesiastical Courts, was a thing not heard of before this *Circumspecte agatis*; the Bishops, Deans and Chapters themselves being enforced to purchase special Licenses and Charters from the King, to enclose and immure their own Church-yards belonging to their Cathedrals at their proper costs, as the * Patents purchased by them this year from the King for enclosing the Church-yards of the Cathedrals of *Pauls*, *York*, *Lincoln*, *Exeter*, *Wells*, and others, assure us: Therefore they could not then legally prescribe or enforce it on the Parishoners by their own Ecclesiastical Jurisdiction.

* See Here Tom. 3. p. 80.

f See Spelmanni Concilia Tom. 2. p. 192, 299, 241, 299, 365.

* See Here Tom. 3. p. 344, 345.

Fourthly, This clause, *Si Rector petat Mortuarium in partibus ubi Mortuarium dari consuevit*, Mortuaries being then but newly broached, encroached by their own [g] *Constitutions*, against the antient Law, Custom of the Realm, to the peoples great oppression, and prejudice of Landlords in their *Heriots*; it is not probable the King or Parliament would prohibit his Justices from punishing or restraining this usurpation, oppression, Innovation by *Mortuaries*, not grown into a Custom till long after 13 E. 1. as is evident by *Articuli Cleri* An. 9 E. 2. cap. 1. till which *Prohibitions* were usually granted by the Kings Judges in cases of *Mortuaries*, as *Lindewode* Provinc. l. 1. *De Consuetudine*, f. 14, 15. acknowledgeth, & 10 H. 4. f. 1, 2. *Fitzh.* Præmunire 13. intimate.

g See Spelmanni Glossarium Tit. Mortuarium; & Concil. Tom. 2. p. 133, 390, 391, 433, 453. Vid. 10 H. 4. f. 1, 2 H. 5. f. 10. Fitzh. Jurisdiction 38. 22 H. 8 c. 6. Cooks 2 Instit. p 491, 660, 619.

Fifthly, This last clause, *De violenta manuum injectione in Clericum, & in causa Diffama-*

Diffamationis, concessum fuit alias, quod placitum inde teneatur in Curia Christianitatis, makes it clear to me, that this Writ *de Circumspecte agatis* was made after *Articuli Cleri*, when all the things therein conteined, were specially complained of, and these two particulars of *laying violent hands on Clerks*, and *Diffamations*, expresly granted, as *Artic. Cleri* c. 1, 3, 4. resolve; being never granted for ought appears by Record or History, in any Parliament before: Therefore this concession must relate to it, and by necessary consequence *Circumspecte agatis* must be made after it, not in 13 E. 1. at least 30 years before *Articuli Cleri*. *An.* 13 E. 1.

10ly. The Statute of 2 & 3 E. 6. c. 13. of *Tithes*, mentions *Circumspecte agatis* as succeeding and puny to *Westminster* 2. and *Articuli Cleri*, both therein ranged before it: Therefore not made in the Parliament of 13 E. 1.

11ly. *Prohibitio formata de* Statuto *Articuli Cleri*, (printed in *Totles Magna Charta*, pars 2. f. 70.) thus directed, to the Prelates, Archdeacons, Officials, and other Ecclesiastical Officers within the Bishoprick of *Norwich*, seems to me a pregnant Argument, that *Circumspecte agatis* (directed to the Justices on behalf of the self-same persons within the same Diocesse) was made after it, by way of exposition and explanation of some general clauses therein, mentioned to be against the Kings Crown and Dignity.

EDwardus, &c. *Prælatis, Archidiaconis, Officialibus, & aliis Ministris Ecclesiasticis per Dioceſin* Norwic. *constitutis, salutem.* Cum cognitio placitorum super feodalibus et libertatibus feodalium, districtionibus, officiis ministrorum, executionibus contra pacem nostram factis, felonum * negationibus, consuetudinibus secularibus, attachiamentis, vi laica, malefactoribus redatis, roberiis, arrestationibus, maneriis, advocationibus Ecclesiarum, conventionibus, sufficientibus Assisis, juratis, recognitionibus Laicum feodum contingentibus, ac rebus aliis, de causis pecuniarum, et de aliis catallis et debitis, si non de Testamento vel Matrimonio, ad Coronam et dignitatem nostram pertineant eodem regno, de consuetudine ejusdem regni approbata et hactenus observata. Et Proceres seu Magnates, et alii de eodem regno, temporibus prædecessorum nostrorum Regum Angliæ, seu nostro auctoritate alicujus non consueverunt, contra consuetudinem illam super hujusmodi rebus, in causa trahi vel compelli ad comparendum coram quocunque Judice Ecclesiastico. Nosque et progenitores nostri ex consuetudine prædicta pro nobis et aliis de ipso regno usi fuerimus, semper libertatibus hujusmodi tanquam pertinentibus ad Regiam dignitatem nostram. Ac vos et ministri vestri de communitate Com. nostrorum Norff. & Suff. qui pro hujusmodi rebus per vices pro voluntatibus vestris trahitis in placitis coram vobis in Curia Christianitatis, sicut ex relatu fidedignorum pro certo accepimus. Vobis prohibemus, ne placitum illud teneatis in Curia Christianitatis, maxime cum hujusmodi placita ad Nos et non ad alium pertineant in eodem regno. Ac nos super his et aliis, quorum cognitio ad Nos pertinet, parati sumus quibuscunque per Nos et Ministris nostros in Curia nostra plenam et celerem justitiam exhibere. *Mandamus autem dilecto & fideli nostro R. & Vic. nostro Com. predictorum*, quod præmissa vobis et aliis in partibus illis, et talia consimilia in præjudicium dignitatis nostræ Regiæ acceptantibus firmiter inhibeant ex parte nostra. Et quod si qui vestri hujusmodi placita teneant, vel si quæ ea sequantur coram vobis in Curia Christianitatis contra Prohibitionem nostram prædictam, dictus Vicecomes vos et alios hujusmodi placita tenentes, vel sequentes, ponant per vadios et salvos plegios quod sitis vel sint coram Justitiariis nostris apud Westm. ad certum diem, ad respondendum coram eis super præmissa, et ad faciendum ulterius, quod hactenus in hujusmodi casibus et consimilibus fieri consuevit. Et quod non permittant, quod aliqui Laici in Balliva sua in aliquibus locis conveniant ad aliquas recognitiones, * per sacramenta sua facere, nisi in causis Matrimonialibus et Testamentariis. Et ne super hujusmodi feodis, debitis et catallis, et coram vobis et aliis Judicibus Ecclesiasticis in præjudicium Jurisdictionis nostræ Regiæ, ad Coronam et dignitatem nostram spectantibus subire præsumant. Et quod quid vos in hac parte de his feceritis, reddatis nos ad plenum certiores. *In cujus rei testimonium*, &c. *Teste*, &c.

Cooks 2 Instit. p. 600.

* Negotiationibus.

* See Here Tom. 2. p. 699, 704, 705, 706, 874, 907.

Sir

An. 13 E. 1.

h 2 Instit. p. 600, 601.

[h] Sir *Edward Cooke* in his second *Institutes* on *Articuli Cleri* An. 9 E. 2. affirms, that this *Prohibitio formata de* Statuto *Articuli Cleri*, was made in the time of King *Edward* the 1. *about the beginning of his reign*, against the Canons of Archbishop *Boniface*. But I find no such Writ as this in any Records during his reign, and the Articles, Constitutions of Archbishop *Boniface* and his Clergy being presently * *rejected*, opposed and appealed against by King *Henry* the 3. as prejudicial to his Crown, and grievances to him and his Realm, and so never put in execution till Archbishop *Stratford* revived them, Anno 1242. I clearly conceive this Prohibition was framed upon *Articuli Cleri*, to which the King gave answers in the Parliament of 9 E. 2. which Articles the Bishop of *Norwich*, his Archdeacons and Officials exceeding, the Judges thereupon by vertue of this clause, *& aliis quorum cognitio ad Nos pertinet*, restrained them to proceed in some things they conceived the King had granted them in his Answers to their Articles Anno 9 E. 2. whereupon they made or procured this Writ of *Circumspecte agatis*, to restrain the Judges excesses therein.

* See Here Tom. 2. p. 890, to 913, 983. 990, 991.

Finally, The stiling *Circumspecte agatis* a Statute, in our Statutes at large and Law-books, is no convincing evidence that it is a *real Statute*, there being very frequent mistakes in the publishers of our Statutes at large, and in Sir *Edward Cooke*, in stiling several Writs of the King alone to his *Barons* or *Justices*, *Statutes*, and printing them as such; witness [i] Statutum *novum de Scaccario, aliter dictum* Statutum *de* Roteland. 24 *die* Maii, *Anno* 10 *E.* 1. there being no Parliament held in that place or year, nor such a Statute in the *Statute Rolls*, it being only a Writ of the Kings to his *Barons*, and so recorded in *Claus.* An. 12 *E.* 1. *m.* 7. *dorso.* [k] Statutum *de Militibus*, Anno 1 E. 2. no Parliamentary Statute, but the Kings own Writ, as Sir *Edward Cooke* acknowledgeth; with sundry others of this nature. Yea his and others mistakes in the true times of making sundry *real Statutes*, as of the Statute *de Judaismo*, made Anno 3 E. 1. as *Claus.* 4 *E.* 1. *m.* 8. 11. *Pat.* 5 *E.* 1. *m.* 13. *Mat. Westm.* Anno 1275. p. 62. *Graftons* Chronicle, p. 163, 164. *Stows* Chronicle, p. 200. Survey of *London*, p. 289. the first Part of my short Demurrer to the *Jews* long discontinued Remitter into *England*, p. 35, to 42. & Part 2. p. 60, to 70. 77. irrefragably evidence; which yet [l] Sir *Edward Cooke* confidently averrs to be made in the Parliament of 18 E. 1. the Statute *De Tallagio non concedendo*, made Anno 25 E. 1. as *Thomas Walsingham* Hist. Angl. p. 37, 38, 41. & *Ypodigma Neustriæ* p. 84, 85. truly informs us, not Anno 34 E. 1. as Sir *Edward* and most others mistake; may easily induce us to beleeve, that he and others who call *Circumspecte agatis* a *Statute, made in Parliament* Anno 13 E. 1. were mistaken in both, for the premised reasons: Wherefore the printed Edition of the Statutes at large, *London* 1577. placeth *Circumspecte agatis* under the Head of, *Statutes unknown when or by whom they were made.* All which I humbly submit to the serious consideration of the Sages and Students of the Common Law, to rectifie those great encroachments on, and prejudices to the Kings prerogative, Courts, and Common Law, which the erronious asserting of *Circumspecte agatis* to be a *Statute and Act of Parliament* made Anno 13 E. 1. have introduced, for want of Lawyers diligent *circumspection* in examining the truth thereof by our *Records* and *Histories* of those times.

i Totles Magna Charta & Statutes at large, Cooks 4 Instit. p. 107, 112.

k Statutes at large, Cooks 2 Instit. p. 593.

l 2 Instit. p. 506, 532.

This year [a] *generosa virago* Alienora *Regina* Angliæ, *mater Regis, spreta pompa seculi, apud* Ambresberiam, *die Translationis Sancti* Thomæ Cantuariensis, *habitum religionis, diu desideratum suscepit*, dote sua in regno Angliæ sibi perpetuo possidenda, per summum Pontificem confirmata, notwithstanding her profession; [b] *against not only Popish Canons of the Church*, but *the Lawes and Custome of the Realm*, which Popes for money, and their own advantage, would easily dispense with upon any occasion, even against the very essential constitutions of their Religious Orders, Vows, Oathes of *poverty*, to *renounce the world*, with *all things in it*, when they entred into Religion. *Cum semel quis se religioni contulerit*, renunciat omnibus quæ seculi sunt; being contradicted and dispensed with in this Queens case.

[a] Mat Westm. An. 1286 p 374 Tho. Walsingham, Hist. Angliæ, p. 14.

[b] Bracton, l 5. c. 20. f. 421 b. Littleton sect. 200. Cooks 1 Instit. f. 199.

* Mat. Westm. An. 1285. p. 373. Walsingham, Hist. Angl p. 12.

* Pope *Martin* the 4. deceasing, and *Honorius* the 4. succeeding him, *cui pedum ac manuum fere officium abstulerat aretra ægritudo, unde sedendo in sella ad hoc artificiosè facta, missarum solennia celebravit.* This Pope in the first year of his Papacie, upon

See Onuphrius, Platina, Ialxus, Laertius Cherubinus in his life.

upon the Petition of *John Gifford* and *Margaret Nevill*, delegated authoritie to the Bishop of *Hereford*, to inquire, whether there were such consanguinitie between them as might hinder their marriage, as some had maliciously suggested to their parents, who would not assent thereto till therein satisfied; And if he found upon inquiry they might lawfully marrie, then to license them freely to do it by his Apostolical authoritie, or if there were any impediment, yet to authorise them to marrie, if he deemed it convenient; which Bull I found in the *White* Tower *Chappel*. *An.* 13 E. I.

HOnorius *Episcopus, Servus servorum Dei, venerabili fratri Episcopo* Heref. *salutem, & Apostolicam benedictionem. Dilectus filius Nobilis vir* Johannes Giffardi *Dominus de* Clifford, *& dilecta in Christo filia nobilis mulier* Margareta *de* Novavilla *tuæ Dioc. sua nobis petitione monstrarunt, quod cum inter eos de contrahendo invicem matrimonio ageretur, quidam eorum æmuli dictæ mulieris parentibus minus veraciter suggesserunt*, quod iidem nobiles quarto sunt consanguinitatis gradu conjuncti; *& licet nullus appareat, qui gradus hujusmodi consanguinitatis distinguere noverit, aut de ipsa dicere sufficienti certitudine veritatem, ipsi tamen propter hoc hujusmodi matrimonium contrahere, contradicentibus prefatis parentibus, distulerunt.* Quare nobis dicti Nobiles humiliter supplicarunt, *ut cum ex hujusmodi matrimonio in partibus illis pacis & quietis commoda proventura sperentur*, providere super hoc de benignitate apostolica dignaremur: *Nos itaque de circumspectione tua plenam in Domino fiduciam obtinentes; & considerantes quod tibi potest promptius & plenius innotescere veritas super istis*, Fraternitati tuæ præsentium tenore committimus et mandamus, quatenus inquirens super consanguinitate præfata diligentius veritatem, *si tibi de ipsa constare non possit*, Nobilibus memoratis inter se matrimonium libere contrahendi licentiam auctoritate nostra concedas. *Si vero de ipsius impedimento constiterit, & rationabilem & sufficientem causam subesse compereris*, propter quam hujusmodi matrimonium jure contrahend. secundum Deum extimes expedire, *super quos tuam conscientiam oneramus cum Nobilibus sæpefatis*, ut inter se matrimonii libere contrahere impedimento non obstante prædicto, et in sic contracto licite remanere valeant, eadem authoritate dispenses. *Dat.* Romæ *apud Sanctam* Sabinam 2 *Idus* Martii. *Pontificatus nostri anno primo.* In Turre London.

Almericus de Montefort citing the Kings brother *Edmund* Earl of *Lancaster* out of the Realm by a Citation from the Pope, against the ancient Rights and Liberties of the King and kingdom, to the prejudice and disinherison of the Crown, and people of *England*; the King thereupon sent this Letter to a *Roman* Cardinal to inform the Pope of this injurie, to move him to dismisse the cause, and to remit it to his own examination and Judicature, being alwaies readie to do right to *Almericus* and all other his subjects, who complained to him of any injuries.

REX, &c. venerabili in Christo Patri *H.* eadem gratia titulo Sancti *Laurentii in Lucina* Presbytero Cardinali salutem, & sinceræ dilectionis semper augmentum. Cum cognitiones placitorum super feodalibus et libertatibus feodalium, dotibus, et causis pecuniariis ad nos et Coronam seu Dignitatem nostram pertineant in eodem regno de consuetudine ejusdem Regni hactenus observata, et Proceres seu Magnates, aut alii, de eodem Regno ullis temporibus prædecessorum nostrorum Regum Angliæ, seu nostro authoritate alicujus non consueverunt contra consuetudinem illam super hujusmodi rebus in causam trahi vel compelli ad comparendum coram quocunque Judice extra idem Regnum, Nosque et iidem progenitores nostri ex consuetudine prædicta a Summis Pontificibus semper hactenus approbata sine reclamatione vel impedimento alicujus pro nobis et aliis de ipso Regno semper usi fuimus libertate hujusmodi, tanquam pertinente ad Regiam dignitatem; Ac *Almericus de Montefirti*, sicut pro certo intelleximus, dilectum fratrem nostrum Edmundum Comitem Lancastriæ authoritate Literarum Papalium super hujusmodi rebus trahere nitatur in Causam extra idem Regnum, in nostri juris et dignitatis Regiæ, et totius Communitatis Regni nostri præjudicium manifestum; Nos de consueta benevolentia vestra specialiter confidentes, Paternitatem vestram attentè requirimus & rogamus affectione qua possumus ampliori, quatinus erga Summum Clauf. 13 E. I. m. 12. dorso. Pro Edmundo fratre nostro.

An. 13 *E.* 1. mum Pontificem instare velitis cum effectu, ut ipse id quod per dictum Almaricum contra dictum fratrem nostrum, seu alios de dicto Regno, in derogationem Regiæ dignitatis, ab ipsa Curia sic impetratum est, velit favorabiliter revocare cognitionem, inde ad examen nostrum, si placet, benivole remittendo: maxime cum semper parati simus procuratori ejusdem Almerici, si de dicto fratre nostro, aut aliis de dicto regno nostro nomine ipsius Almarici conqueri voluerit infra idem Regnum, secundum Legem et Consuetudinem ejusdem, plenam et celerem justitiam exhibere. Dat. apud *Bristoll* 28 die *Decembris*.

Gilbert Earl of *Gloucester* being divorced by sentence from his Contract of marriage with *Alice* his Wife at her prosecution, or left to marry her if he pleased, he was notwithstanding content to grant her several Manors and Lands for her honourable maintenance, by this agreement made between them entred on record; to which sundry Bishops, Nobles and others subscribed as Witnesses.

Clauf. 13. E 1 m 9. dorso. De quadam Conventione facta inter Comitem Glouc. & Hertf. & Alicium de Marchia.

HÆC est Conventio facta inter Nobilem virum *Gilbertum de Clare* Comitem *Glovernie* & *Hertf.* ex parte una, & Dominam *Aliciam* de *Marchia* ex altera, *videlicet*, Quod cum in causa Divorcii dudum mota & agitata inter dictam *Aliciam* de *Marchia* Actricem, & Judicium procurantem, ac divortium fieri petentem, ex parte una, & dictum Dominum *Gilbertum* defendentem ex altera, sit pro dicta *Alicia* lata sententia diffinitiva, & prædictus *Gilbertus* per eandem sententiam a Vinculo contractus Matrimonialis inter ipsum *Gilbertum*, et dictam *Aliciam* de facto habiti sit absolutus penitus et liberatus, sibe ei nubendi authoritate Ecclesiæ sit libera concessa facultas. Ipsius tamen Dominæ Nobilitatem generis, dictus Dominus *Gilbertus* considerans, ac nolens, quod occasione defectus sustentationis honestæ sibi materia contristandi tribuatur: ex sua mera liberalitate, eidem Dominæ *Aliciæ* quoad vixerit Manerium de *Taxstede* eodem modo quo nunc tenet, una cum magno Parco, Maneria de *Welles* & *Warham* eodem modo quo nunc tenet, una cum octo libratis, undecim solidatis, & octo denaratis in redditu, superplusag. operibus & perquisitis de visu Franciplegii, excepto wreko maris, Manerium de *Wyston* sicut modo tenet, *Bureford* & *Speinham Londe* sicut modo tenet, Dummodo dicta *Alicia* dictam sententiam et ipsius effectum ratam habuerit, aut in honoris dicti Domini Gilberti, seu commodi dispendium vel grabamen, verbo aut facto, clam vel palam, per se aut alium quicquam perseveranter non attemptaverit. Ita eisdem Maneriis & terris utendo & fruendo dicta *Alicia* ad suam sustentationem ut præmissum est, quod ad aliquod alienationis, impignorationis, enormis devastationis aut destructionis genus non attingat vel referatur. Si vero dicta *Alicia* contra præmissa seu aliquod præmissorum venerit, venire procuraverit, vel contravenire volentes non impedierit cum effectu, aut in fata decesserit, liceat dicto Domino *Gilberto* & hæredibus suis ipsius Dominæ *Alicia* aut cujusque reclamatione non obstante, dictam concessionem revocare, ac dictas terras, possessiones & Maneria libere ingredi & pacifice possidere. Præmissa vero Maneria, possessiones, terras & tenementa, & alia supranominata prædictus *Gilbertus* & hæredes sui prædictæ *Aliciæ* warrantizabunt, quoad vixerit sub modo, forma, & conditionibus supradictis. In cujus rei testimonium tam dictus *Gilbertus* quàm dicta *Alicia* huic præsenti scripto in modum Cirographi confecto alternatim divisо sigilla sua mutuo apposuerunt. Hiis testibus, Domino *Roberto Burnell Bathon.* & *Wellen.* Episcopo, tunc illustris Regis *Angliæ* Cancellario, Domino *Antonino Bek Dunolmensi* Episcopo, Domino *Johanne* de *Sancto Johanne*, Domino *Radulpho* de *Hengham*, tunc Domino Justic. *Roberto* de *Waleys* Milite, Magistris *Richardo* & *Willielmo* de *Clifford*. Dat. *Lond.* 17 Kal. *Junii*, Anno Regni Regis *Edwardi* Tertiodecimo.

This year the King for the honor of God and of the Church, by his Letters Patents licensed the Dean and Chapters of *Pauls*, *Yorke*, and *Lincolne*, to inclose the Churchyards of their Cathedral Churches with Walls and Gates, and to shut up their Gates every night, to prevent the incursions of Theeves, and other Malefactors, who committed sundry *bloody murders* and *fornications* too therein, and in the lanes, houses adjoyning to them; provided alwayes, that the Gates should stand open from morning to night, for all persons to passe through them without

any

any impediment; the conſecration and incloſing of theſe Churchyards then, proceeding from the Kings grace, not ſecluding free paſſage through them in the day time, as ſome have ſince pretended. *An.* 13 *E.* 1.

REX omnibus ad quos, &c. ſalutem. Sciatis, quod cum per nocturnos incurſus latronum & aliorum Malefactorum per vicos & venellas in procinctu Cimiterii Cathedralis Eccleſiæ Sancti Pauli London. et in Cimiterio illo multotiens de nocte vagantium, homicidia, fornicationes, et alia mala pluries hactenus fuerint perpetrata, et formidetur quod adhuc conſimilia vel majora pericula per hujuſmodi incurſus in vicis et venellis, et Cimiterio ac procinctu prædictis poterunt evenire, niſi contra pericula illa remedium apponatur. Nos ad honorem Dei et dictæ Eccleſiæ, ac Sanctorum quorum corpora requieſcunt in eadem; necnon ad ſecuritatem et quietem Canonicorum et Miniſtrorum prædictæ Eccleſiæ et ſuorum ibidem reſidentium, conceſſimus pro nobis et hæredibus noſtris, quantum in nobis eſt, Decano et Capitulo Eccleſiæ prædictæ, quod Cimiterium illud et procinctum muro lapideo circumquaque includere, et ſic incluſa ſibi et ſucceſſoribus ſuis tenere poſſint, ſine occaſione et impedimento noſtri et hæredum noſtrorum in perpetuum. Ita tamen quod portas & poſternas faciant in locis neceſſariis & competentibus ibidem; Et quod portæ illæ & poſternæ ſingulis diebus apertæ ſint ab aurora diei uſque ad noctem; Ita quod omnes et ſinguli ibidem tranſire volentes pro voluntate ſua et ſine impedimento prædictorum Decani et Capituli et ſucceſſorum ſuorum, ſeu miniſtrorum ejuſdem Eccleſiæ quorumcunque, liberum ingreſſum habeant per portas et poſternas ſupradictas, et ita quod portæ illæ et poſternæ de nocte claudantur, et in aurora diei aperiantur ſicut prædictum eſt. In cujus, &c. Teſte Rege apud *Weſtm.* 10 die *Junii*. Pat. 13 E. 1. m. 15. intus. Pro Decano & Capitulo Sancti Pauli London. de Cimiterio claudendo, &c.

The like Patents verbatim, or with very little variation; were granted to the Dean and Chapter of *Yorke*, Pat. 13 E. 1. m. 21. *intus*. *Teſte Rege apud* Weſtm. 18. *die* Maii. And m. 22. *intus*, to the Dean and Chapter of *Lincoln*, *ad inſtanciam venerabilis patris* Oliveri *Epiſcopi* Lincoln. *Teſte Rege apud* Weſtm. 8 *die* Maii.

What Penſions the King paid this year to the Popes Notaries, to promote his affairs in the Court of *Rome*, theſe Records inform us.

REX Theſaur. & Camerariis ſalutem. Liberate de Theſauro noſtro dilecto Clerico noſtro Magiſtro Angelo, Domini Papæ Notario decem Marcas, de termino Paſchæ Anno Regni noſtri 13. de annuo feodo ſuo viginti Marcarum quod de nobis percipit ad Scaccarium noſtrum. Teſte Rege apud *Weſtm.* 28 die *Maii*. Liberate 13 E. 1. m. 5. intus. Pro Magiſtro Angelo Dom. Papæ Notario.

REX eiſdem ſalutem. Liberate de Theſauro noſtro eidem Angelo Triginta Marc. de termino Sancti *Michaelis* Anno regni noſtri nono, et viginti Marc. de terminis *Paſch.* & Sancti *Michaelis* Anno Regni noſtri decimo, de annuo feodo ſuo viginti Marc. quod de nobis percipit ad Scaccarium noſtrum. Teſte ut ſupra. Ibid. m. 5.

REX Theſaurario & Camerariis ſuis ſalutem. Liberate de Theſauro noſtro dilecto Clerico noſtro Magiſtro Angelo Domini Papæ Notario, viginti Marcas, de terminis Paſchæ et Sancti Michaelis, Anno Regni noſtri duodecimo, quæ ei aretro ſunt de annuo feodo ſuo viginti Marcarum, quod de nobis percipit ad Scaccarium noſtrum. Teſte Rege apud *Bellum locum* Regis 18 die *Novembris*. Ibid. 13 E. 1. Pro Magiſtro Angelo D. Papæ Notario.

REX Theſaurario & Camerariis ſuis ſalutem. Liberate de Theſauro noſtro dilecto Clerico noſtro Magiſtro Bernardo de Neapoli Domini Papæ Notario ſexcies viginti Marcas, viz. quadraginta Marcas de termino Sancti *Michaelis* anno Regni noſtri duodecimo, et quater viginti Marcas de terminis *Paſchæ* & Sancti *Michaelis* anno Regni noſtri terciodecimo, quæ ei aretro ſunt de annuo feodo ſuo quaterviginti Marcarum quas de nobis percipit ad Scaccarium noſtrum. Teſte Rege apud *Swajneſton*, 4. die *Novembris*. Ibid. Pro Magiſtro Bernardo de Neapoli Domini Papæ Notario.

An. 13 *E.* 1. Ibidem. m. 3.

REX Thesaurario & Camerariis suis salutem. Liberate de Thesauro nostro *Jacobo Barbazon* & sociis suis Mercatoribus de Societate *Bartholomæi Mark* de *Senen.* viginti Marcas, per manus suas liberandas dilecto Clerico nostro Magistro Angelo, Domini Papæ Notario, de terminis *Paschæ* & Sancti *Michaelis* Anno Regni nostri undecimo, de annuo feodo suo Triginta Marcarum, quod de nobis percipit ad Scaccarium nostrum. Et recipiatis à præfatis Mercatoribus literas suas patentes receptionem dictæ pecuniæ testificantes. Teste Rege apud *Westm.* primo die *Julii.*

Walter de Wenlock Prior elect of *Westminster* by the Kings License went to the Court of *Rome* the year before for his own and his Churches affairs, with no lesse then 30. men of his own houshold; the Customs of whose passage and of others the King allowed by this Writ.

Liberate 13 E. 1. m. 4. Pro Johanne de Burne.

REX Baronibus suis de Scaccario salutem. Allocate *Joahni* de *Burne* nuper Custodi Portus nostri *Doveriæ* in compoto suo ad Scaccarium prædictum quinque solidos, pro custuma passagii dilecti nobis in Christo fratris Walteri de Wenlok, tunc Electi Westm. et triginta hominum de propria familia ipsius Electi secum transfretancium ad Curiam Romanam, pro negociis suis et Ecclesiæ suæ prædictæ, anno Regni nostri duodecimo, &c. Et viginti & quatuor solidos pro custuma passagii venerabilis patris *S. Gadicensis* Episcopi, ad partes remotas pro negociis Domini *A.* quondam Regis *Castellæ* sororii nostri transfretantis, cum quadraginta et septem hominibus de familia sua, et sexdecim equis, videlicet pro passagio prædicti Episcopi & hominum suorum octo solidos, & pro passagio prædictorum equorum sexdecim solidos anno prædicto. Et duos solidos pro custuma passagii duorum fratrum Minorum de *Pictavia*, in veniendo ad nos a partibus transmarinas prædictis, cum quatuor hominibus suis anno prædicto; Nisi, &c. Et recipiatis ab eo brevia nostra de præcepto, per quæ præmissa fecit. Teste Rege apud *Westm.* 16 die *Junii.* Such was the excessive Pomp, Train, State of Abbots, Bishops and Monks in that age.

It being found by Inquisition that the Dean and Chapter of *Sarum*, (great lovers of venison) by Charters from the Kings progenitors had the Tithes of all Venison of the King taken within the Forest of *Clarendon* granted them, which they formerly received; the King issued this Writ for their future reception thereof, though due onely by special grant, not Law.

Claus. 13 E. 1. m. 1. Pro Decano & Capitulo Sarum de Decima venationis, &c.

REX Ballivo suo de *Clarendon* salutem. Cum compertum est per inquisitionem quam per dilectos & fideles nostros *Robertum* filium *Johannis* Senescallum Hospicii nostri, & Magistrum *Thomam de Sndinton* fecimus, quod dilecti nobis in Christo Decanus & Capitulum Cathedralis Ecclesiæ beatæ *Mariæ Sarum* habere debent et solent Decimam totius venationis captæ in foresta nostra de Clarendon. et concessione progenitorum nostrorum Regum Angliæ, quorum cartas et confirmationes earum iidem Decanus et Capitulum coram dictis fidelibus nostris ostenderunt; *Vobis mandamus*, quod eisdem Decano et Capitulo Decimam totius venationis capiendæ de cætero in foresta nostra prædicta quociens eam ibidem capi contigerit habere faciatis juxta tenorem cartarum prædictarum. Teste Rege apud *Lindhurst* 30 die *Augusti.*

What Clerks this year imprisoned and indicted for manslaughter and felony, were demanded, made their purgations before the Ordinary, and thereupon had Writs of Restitution of their goods awarded, this Writ will acquaint us.

Claus. 13 E. 1. m. 8. Pro Radulpho de Arnhale.

CUM *Robertus atte Bek* de *Kirmingeton* Clericus nuper super homicidio, *Robertus* de *Newcomene* de *Leycesby* Clericus, super receptamento cujusdam felonis filii, & *Willielmus* de *Friston.* Clericus, super sinistra suspicione furti et roberiæ, coram Justiciariis Regis nuper Itinerantibus in Comitatu *Lincolniensi* indictati, & ad requisitionem venerabilis patris *O. Lincolniensis* Episcopi per eosdem Justiciarios

os eidem Episcopo juxta privilegium Clericale, prout moris est liberati, innocen- *An.* 13 *E.* I.
ciam suam super hujusmodi criminibus coram eodem Episcopo legitime purgave-
rint, prout idem Episcopus per literas suas patentes Regi significavit, per quod, &c. Restitution of their seised goods was awarded as in former Writs. *Teste Rege apud* Westm. duodecimo die *Julii.*

Some of the Bishop of *Londons* men and tenants being condemned, and flying for Felony; the King issued this Writ to restore the Bishop to their goods and chattels seised for the King, granted to and confirmed by his predecessors Charters and usage to the Bishops, in prejudice of the Crown.

MAndatum est Thesaurario & Baronibus de Scaccario, quod habere faciant ve- Clauf. 13 E. I.
nerabili patri *R. London.* Episcopo, catalla hominum suorum damnatorum m. 10. Pro
et fugitivorum de Episcopatu illo, prout ipse & prædecessores sui Episcopi *London.* Episcopo
catalla illa, juxta tenorem Cartarum progenitorum nostrorum Regum *Angliæ*, quas London.
idem Episcopus inde habet, semper hactenus habuerunt. Teste Rege apud *Westm.* 8. die *Maii.*

The King having totally subdued the *Welsh*, and cut off the head of that Serpent which had so frequently poisoned, infested the peace of the Realm and Church of *England*, involving him in great Debts, needing new supplies of money to discharge them, and settle the state thereof in peace for the future; sent this elegant Writ to the Archbishop, requesting a voluntarie Aide from the Clergy of the 20th. part of their goods to be given him for these ends for 2. years.

REX *Venerabili in Christo Patri* J. *eadem gratia* Cantuariensi *Archiepiscopo, to-* Ibid. m. 11.
cius Angliæ *Primati salutem. Satis memoriter retinetis qualiter progenitores* dorso. De
nostri Reges Angliæ *in partibus* Walliæ *multa remedia temporalia & localia multociens* Vicesima col-
adhibentes, guerras & turbaciones diversas aliquandiu sedaverunt, & nichilominus ligenda,
angue latitante in herba, putruerunt cicatrices vulnerum inflictorum, qua nisi alligata fuissent usque ad tocius regni nostri præcordia lataliter penetrassent; super quibus altissimus non solum remedium mitigacionis adhibuit, set putridum caput resecavit, venenum funditus extinxit, & morbum illum à tanto tempore induratum exquisitè curavit, pacem nobis & vobis ac toti regno nostro nuperrime concedens inconcussam: circa quarum sedacionem debitorum multitudinem quasi infinitam tunc contraximus importunè, & insuper data nobis victoriâ de rebellibus nostris terræ illius, illa necessitas urgentissima dirigendi, firmandi & confirmandi statum partium illarum, qui tanto tempore dictis progenitoribus nostris, & nobis et Ecclesiæ Sanctæ, *ac toti Regno nostro contrarius extitit & Rebellis,* nos induxit ut Clerum regni nostri interpellaremus cum effectu, quod ipsi nobis Subsidium facerent gratiose, qui precibus nostris favorabiliter annuens in hac parte, vicesimam bonorum suorum Ecclesiasticorum biennalem ad exonerationem debitorum nostrorum concessit liberaliter et benigne, de quo vobis et ipsi plurimum regraciamur. Et quia primus annus concessionis illius in festo Sancti Martini proximo præterito jam transactus existit, paternitatem vestram affectuose requirimus et rogamus, quatinus pecuniam provenientem de eodem Clero de termino Sancti Martini ut prædictum est transacto, ejnunc colligere, et usque Novum Templum London. *ad crastinum Clausi* Paschæ *deferri faciatis, quibusdam fidelibus nostris, & illis à* quibus mutuum recepimus *ex causa prædicta in præsencia Thesaurarii & Baronum nostrorum de Scaccario liberandam, super quibus dilecto Clerico nostro* Henrico de Ledis *præsencium portitori adhibere velitis plenam fidem, qui una cum hiis quos ad hoc duxeritis deputandos, dictum negocium de præcepto nostro exequetur & expediri, ac fieri procurabit, secundum quod ei plenius injunximus viva voce. Et quid super hiis facere decreveritis, prædictos Thesaurarium & Barones nostros certificetis in instanti media quadragesimâ, quibus mandavimus, quod de negocio isto & omnibus circumstantiis ejusdem, vobis cum hiis quos ad hoc duxeritis deputandos & Clericis nostris ad hoc assignatis se intromittant, & videant & provideant quod omnia modo debito & honesto fiant, & manum per mandata nostra ad hoc diligencius apponant, prout melius ad opus nostrum viderint expedire. Teste Rege apud* Cantuariam 28 *die* Januarii.

An. 13 E. 1. *Consimiles literæ diriguntur Episcopis* Roffensi & Cicestrensi, *quod præfato* Henr. *creâant quem Rex assignavit ad dictum negocium exequendum ibidem, &c. ut supra.*

Consimiles literæ diriguntur, &c. to the other Bishops there named.

The Bishop of *Wynton* seising the monies, Jewels, and other goods of a Clerk beneficed within the Dioceſſe of *Bath* and *Wells*, who feloniously slew himself within the Priorie of *Taunton*, claiming them to belong to him as Lord of the Manor, though the felon had no Lands nor Tenements within the Manor or Liberty of *Taunton*; the King upon the Bishop of *Bath* and *Wells* complaint, issued this Writ to the Bishop of *Winton*, to deliver the goods to the Bishop of *Bath* and *Wells* his Diocesan, to be disposed of as the King should ordain, who it seems had best title to them.

Cl. 13 E. 1. m. 10. dorſ. Pro Bathonienſi & Wellenſi Epiſcopo.

REX venerabili in Christo patri *J.* eadem gratia *Wintonienſi* Episcopo salutem. Querimoniam venerabilis patris *R. Bathonienſis & Wellenſis* Episcopi Cancellarii nostri accepimus, continentem, quod vos ratione Libertatis Manerii vestri de *Taunton* infra Episcopatum *Bathonienſem* existentis, per quam catalla damnatorum et felonum ad vos ibidem asseritis pertinere, denarios, jocalia et cætera bona Willielmi de Wygeton. Clerici suæ Dioceſis, et in eadem beneficiati, qui se ipsum infra Prioratum de Taunton felonice interfecit, in manum vestram cepistis, et ea detinetis, quo minus præfatus Episcopus Bathonienſis de bonis prædictis possit, juxta Diocesani officium prout ad ipsum pertinet, ordinare: Et quia captio prædicta æqua non fuerit, nec esse potuit, nisi præfatus Wiilielmus terras seu tenementa infra libertatem vestram prædictam tenuerit die feloniæ prædictæ sic perpetratæ; Vobis mandamus, quod si prædictus *Willielmus* terras vel tenementa die prædicto non habuerit infra libertatem prædictam, tunc denarios, jocalia et cætera bona prædicta sic in manum vestram capta præfato Diocesano liberetis, ad disponendum de eisdem, prout de Consilio nostro inde extitit ordinatam. Teste Rege apud *Langeley* 25 die *Aprilis*.

The Archbishoprick. of *Yorke* becomming void by the death of *William Wickwane* Archbishop thereof, the King applied the profits thereof during the vacancie, towards the building of Castles in *Wales*, to secure it, as this Patent informs us.

Pat. 13 E. 1. m. 5. De Archiepiſcopatu Eborum commiſſo.

REX commisit *Ottoni* de *Grandisono* Archiepiscopatum *Ebor.* vacantem, & in manu Regis existentem, custodiendum quamdiu Regi placuerit; Ita quod exitus inde provenientes in constructionem operacionum Castrorum Regis Walliæ, prout Rex ei injunxit, poni faciat et expendat; et ita quod Malcolmus de Harlegh, quem idem *Otto* coram Rege ad custodiam illam sub ipso habendam deputavit, de exitibus illis pro prædicto *Ottone* Regi respondeat ad Scaccarium Regis. In cujus &c. Teste Rege apud *Wynton.* 15 die *Septembris*.

Et mandatum est Militibus, &c. quod, &c. intendentes sint, &c. Teste ut supra.

The Treasurership of the Church of *Yorke* being then also void, the King granted it by this Patent to *Bogo de Clare*.

Ibid. m. 5. De Theſaurariâ Eborum data.

REX dilectis sibi in Christo Decano & Capitulo Ecclesiæ beati *Petri Eborum* salutem. Sciatis, quod caritatis intuitu, dedimus & concessimus dilecto Clerico nostro *Bogoni de Clare* Thesaurariam *Eboracensis* Ecclesiæ, vacantem, & ad nostram donationem spectantem, ratione Eborum Archiepiscopatus vacantis, et in manu nostra existentis. Et ideo vobis mandamus, quod eidem *Bogoni* stallum in Choro & locum in Capitulo, racione dignitatis prædictæ, prout moris est assignetis. Teste Rege apud *Wynton.* 15 die *Septembris*.

Soon after the King upon the Petition of the Dean and Chapter, granted them this license to elect another Archbishop.

REX

An. 13 E. 1.

REX dilectis sibi in Christo Decano & Capitulo Ecclesiæ beati *Petri Eborum* salutem. Accedentes ad nos Magister *Thomas* Archid. *Clyveland*, & *Thomas* de *Hedon* Concanonicus vester, cum literis patentibus Capituli vestri nobis ex parte vestra humiliter supplicarunt, quod cum Ecclesia vestra prædicta per mortem bonæ memoriæ *Willielmi* nuper Archiepiscopi ejusdem loci, pastoris sit solatio destituta, alium vobis eligendi in Archiepiscopum & pastorem licenciam concedere dignaremur. Nos igitur precibus vestris in hac parte favorabiliter inclinati, licenciam illam vobis duximus concedendam; Mandantes quod talem vobis eligatis in Archiepiscopum & pastorem, qui Deo devotus, regimini Ecclesiæ vestræ necessarius, nobisque & Regno nostro utilis & fidelis existat. In cujus, &c. Teste Rege apud *Wynton.* 22. die *Septembris.*

Pat. 13 E. 1. m 4. De licencia eligendi.

By vertue of which license, they elected *John de Romeyn* Archbishop, to which the King giving his royal assent, he made this Certificate thereof to the Pope, who *had then usurped a Jurisdiction to confirm and approve of the elections of all Archbishops, or reject them at his pleasure, obliging them to come to* Rome *for their Palls or consecrations*; which they purchased at very dear rates: as I have **elsewhere* evidenced.

* See Here, Tom. 1 p. 153, to 160.

DOmino Papæ Rex salutem. Sciatis, quod electioni nuper celebratæ in Cathedrali Ecclesia *Eborum*, de discreto viro Magistro *Johanne le Romeyne* Canonico Ecclesiæ illius, in Archiepiscopum ejusdem loci, Regium assensum adhibuimus et favorem. Et hoc Sanctitati vestræ tenore præsencium significamus, ut quod vestrum est in hac parte exequi dignemini cum favore. In cujus, &c. Teste Rege apud *Bellum locum Regis* 15 die *Novembris.* Et duplicatur.

Ibid. m. 1. De assensu electioni adhibito

This elect Archbishop repairing to *Rome* with this Certificate, *quarto Idus* Februarii *proximo sequente*, *à Papa* Honorio *quarto* in Curia Romana consecratus est; as **Thomas Stubbs* relates.

*Actus Pontif. Ebor. col. 1727. Godwins Catalogue, p 470.

The Subprior and Covent of *Luffeld* having by the Kings license elected a Prior which he approved, and the Bishop of *Lincolne* nulling his election; they thereupon elected a new Prior, without petitioning for or obtaining a new License from the King, or gaining his Royal assent thereto, against his Crown and Dignitie, for which the King seised their Temporalties, till out of special grace he committed them to them till the next Parliament, to consider what he should do therein, reserving the issues thereof to himself, as this Record assures us.

REX dilecto Clerico suo *Henr. de Bray* Escaetori suo citra *Trentam* salutem. Cum vacante Prioratu de *Luffeld*, per cessionem fratris *Adæ* nuper Prioris ejusdem loci, Supprior & Conventus ejusdem Domus, petita a nobis, prout moris est, licencia sibi eligendi in Priorem, fratrem *Willielmum de Brackele* Monachum ejusdem Domus in Priorem loci illius sibi elegerint, et ipsum Electum nobis præsentaberint, nobisque electioni illi assensum Regium adhibentes, mandaverimus venerabili patri *O. Lincolnienſi* Episcopo, quod id quod suum fuit in hac parte exequeretur. Ac idem Episcopus electionem illam cassaverit, & post cassacionem illam præfatum *Adam* non petita vel optenta a nobis, ad supplicacionem dictorum Suppriorıs et Conventus, prout moris est, iterata licencia eligendi, sibi alium in Priorem, nec eciam assensu Regio prout ad Coronam et dignitatem nostram pertinet, requisito, præfecerit in Priorem Domus prædictæ, quod in nostræ exheredacionis periculum de facili redundare posset; Nos statui Domus prædictæ compacientes, et dictis Suppriori et Monachis graciam in hac parte facere volentes specialem; Vobis mandamus, quod temporalia Prioratus prædicti, quæ occasione vacacionis prædictæ in manu nostra existunt, præfato *Adæ* committatis. Tenenda usque ad proximum Parliamentum nostrum post Pascha proximo futurum. Ita quod de exitibus inde provenientibus nobis tunc respondeat, et ulterius faciat quod de Consilio nostro in præmissis duxerimus ordinandum. Teste Rege apud *Lodes* secundo die *Februarii.*

Fines 13 E. 1. m. 16. Pro Prioratu de Luffeld. commisso.

The

An. 13 *E.* 1. The King this year granted this acquittance to the Dean of *Hereford*, for 2. Bulls and other Letters of Pope *Clement* deposited with him, which the King received from him.

Pat 13 E. 1. m. 2. Pro Johanne de Aqua blanca Decano Hereford.

REX omnibus ad quos, &c. salutem. Noveritis nos recepisse à dilecto nobis in Christo *Johanne* de *Aqua blanca* Decano *Hereford*. duas literas felicis recordationis Domini *Clementis* Papæ Bulla sua Bullatas, et quasdam alias literas ejusdem dum Legationis officio in Regno *Angliæ* fungebatur, quas quidem literas idem Decanus in deposito habuit penes ipsum, & ipsum inde tenore præsencium quietamus. In cujus, &c. Teste Rege apud *Swainestou* quinto die *Novembris*.

The King by his Charter granted this Libertie among others, to the Burgesses of *Bere* in *Wales*, dying testate or intestate.

Rot. Wallix, An 13 E. 1. m. 4. De Burgensibus de Bere de libertatibus eis concessis.

REX Archiepiscopis, &c. salutem. Sciatis quod volumus & concedimus pro nobis & hæredibus nostris, quod Villa nostra de *Bere* de cætero liber Burgus sit, & homines nostri ejusdem Villæ liberi sint Burgenses, &c. Concedimus eciam pro nobis & hæredibus nostris eisdem Burgensibus libertates subscriptas, videlicet, quod nullus Vicecom. &c. Et eciam, quod si iidem Burgenses aut eorum aliqui infra terram aut potestatem nostram testati decesserint vel intestati, Nos vel hæredes nostri bona ipsorum confiscari non faciemus, quin eorum hæredes ea integre habeant quatenus dicta catalla dictorum defunctorum fuisse constiterit, dum tamen de dictis hæreditus noticia aut fides sufficienter habeatur. Hiis testibus venerabili patre *R. Bathonien*si & *Wellens*i Episcopo, Cancellario nostro, &c. Dat. per manum nostram apud *Kardigan*, 22. die *Novembris*.

By which Charter, and some others with the like clause, I conceive it apparent; 1. That Bishops and Ordinaries at this time had no Jurisdiction at all to grant administration, or dispose of the goods and chattels of Intestate persons in *Wales*, and that their next heirs and kinred ought to enjoy and dispose of them by this new Charter, according to the premised Laws grants of * K. *Cnute*, *Edward the Confessor*, *William the Conqueror*, and *Henry* the 1. of which this new Grant of the King was but a confirmation. 2ly. That the † former Kings and Princes of *Wales* did likewise claim the goods and chattels of persons there dying intestate as forfeited and appertaining unto them, as our Kings of *England* antiently did; which this new *Charter* exempted them from, but gave not their Regal power to the Bishop or Ordinary, to dispose of them at their pleasure to pious uses.

* See Here, p. 141, 142, 332. & 13, 14, 15, 90, 91.

† See Here, p. 91, Glanvil, l. 2. c. 16.

King *Edward* being this year in *Gascoigne*, the Prior of *Grandemont* complaining to him of the Rebellion, disobedience, abuses, rapines, wandrings, and bearing arms of divers Freers under his Jurisdiction, to the great scandal of Religion, and desiring his aide to punish and reform them; the King thereupon, as constituted by God for the defence of Religion and the Church of God, especially within his own Dominions, issued this memorable Writ to his Steward of *Gascoigne* for their apprehension, and correction.

Rot. Vasconiæ an. 13 E. 1. m. 1. Pro Priore Grandimontensi.

REX Seneschallo suo *Vasconiæ* salutem. Ex parte Religiosi viri —— Prioris *Grandimontensis* nobis extitit supplicatum, quod cum quidam fratres Ordinis sui *Grandimontensis* tanquam inobedientes filii a religionis semita recedentes, eidem Priori inobedientes et rebelles existant, Domosque suas suæ jurisdictioni et districtui nostro existentes, contra voluntatem et ordinacionem ejusdem Prioris tenere et dispensare nitantur, bona eorum diripientes et in pravos usus consumentes, atque omni Religionis honestate contempta, per terram nostram cum armis evagantes, rapinas et violencias multas eidem Priori et fratribus sibi obedientibus, ac eciam pluribus aliis inferant impudenter, et multo majora et enormia conentur committere, in Religionis scandalum et Ecclesiæ obprobrium sempiternum, nisi per potestatem nostram eorum rebellioni et maliciæ obbietur: Nos super hoc apponere remedium curaremus, præsertim cum antecessoribus nostris Regibus *Angliæ* prædictus ordo quadam prærogativa dilectus, donis & eleemosinis prout idem Prior recognoscit, dotatus fuerit & ditatus; Verum quia nos ad defen-

sionem

stionem tocius Religionis et Ecclesiæ, et specialiter in potestate nostra existencium et regimine nobis commisso recognoscimus nos constrictos, et dignum est ut quos timor Dei a malo non revocat, pœna saltem coherceat temporalis; Vobis & omnibus Ballivis nostris in Ducatu *Aquitaniæ* constitutis tenore præsencium injungimus & mandamus, ut si quos tales arma portantes cum habitu vel sine habitu, vel bona earundem Domorum surripientes, et contra ordinacionem Ordinis, et mandatum seu voluntatem ejusdem Prioris irreverenter asportantes, vel de hoc vobis ad instanciam ejusdem Prioris constare poterit, in Jurisdictione nostra capiatis, seu capi faciatis, eosdem prædicto Priori restituendos, ut secundum dicta et statuta Ordinis per ejusdem Prioris circumspectam providenciam, juxta delictorum suorum merita puniantur. In cujus, &c. Dat. apud *Meleburn.* 7. die *Augusti.* An. 13 E. 1.

In the same Roll, m. 2, 3. The Prior and Covent of *Medicino*, of the Order of *Clunie*, by a long instrument, made an exchange with the King, and admitted him into a Copartnership with them in all the Lands of the Priorie, *ad pariagium, paritatem, & communionem Justiciæ & Jurisdictionis, alto & basso*, meri et mixti imperii *quam habuit in villa de* Medicino *& ejus districtu*, being unable by their own power, *propter inobedientiam, potentiam & proterviam suorum subditorum, Jurisdictionem & Justitiam quam habebant in villa de* Medicino, *& ejus pertinentiis exercere, nec jura, nec deveria sua ab eorum subditis percipere, nec eciam optinere, nec* decenter punire maleficia, delicta, *& crimina quæ in dicta villa & ejus pertinenciis contingebat frequencius evenire, nec passis dampna & violenter oppressis facere justitiæ complementum.* That so the King by his Royal power might reform all those abuses they could not redresse by their own; which he assented to, *specialiter ad tranquillitatem Prioratus consulere & salubriter providere, ut circa regularem observanciam cui ex voto & obligatione sui ordinis obnoxii tenentur*, possent attentius attendere et vacare, et Domino Jhesu Christo liberius famulari.

How the King by his Ecclesiastical Prerogative then disposed of Benefices, Advousons of Bishopricks and Prebends in *Vascoigne* as well as *England*, these Records will inform us.

REX dilecto & fideli suo *Johanni de Greylly* Senescallo *Vasconiæ* & *Agenensi* salutem. Cum sicut intelleximus in terra nostra *Vascon.* & *Agenensi* aliquarum Ecclesiarum collacio seu præsentacio ad nos pertinere noscatur, vobis committimus & mandamus, quatinus cum dicta beneficia vel aliquod ipsorum vacare continget, vos ad ipsa personas idoneas per vos vel per alium præsentetis, vel eadem conferatis, prout ad nos noveritis pertinere. In cujus rei testimonium has literas nostras fieri fecimus patentes. Dat. apud *Westm.* 17. die *Junii.* Anno Regni nostri terciodecimo. Rot. Vasc. An. 13 E. 1. De Beneficiis conferendis, &c.

REX omnibus ad quos præsentes literæ pervenerint, salutem. Sciatis quod nos dilecto & fideli nostro *Johanni de Greyliaco* Militi Senescallo *Vasconiæ*, & Magistro *Bonetto de Sancto Quintino, Johanni de Forgotis, Reymundo de Ferariis*, & *Bernardo Fabri* Clericis nostris, vel tribus seu duobus ipsorum cum eodem Senescallo plenam potestatem & speciale mandatum concedimus tractandi et ordinandi pro nobis et nomine nostro cum venerabili patre *A.* eadem gratia Archiepiscopo *Luxitano*, & Capitulo seu Conventu suo super advocacione temporalitatis dicti Archiepiscopi sive Archiepiscopatus per ipsum de nobis tenendæ, seu permutacione, de terris, feodis, possessionibus, & aliis quibuscumque juribus nostris facienda, prout utilitati nostræ viderint expedire. Ratum habituri & gratum quicquid per eosdem Senescallum & Clericos nostros, seu tres vel duos ipsorum cum ipso Senescallo, tractatum, compositum, permutatum fuerit vel eciam ordinatum, & ordinacionem seu composicionem per ipsos factas ut dictum est, compleri faciemus & servari. In cujus, &c. Teste ut supra. Dat. apud *Westm.* 13 die *Junii.* Rot. Vascon. 13 E. 1. m. 10. De potestate data tractandi & ordinandi super advocacionem temporalitatis Archiepiscopatus Luxitani, &c.

EDWARDUS, &c. & *Alienora*, &c. Consors sua, dilecto Clerico suo Magistro *Nicholao de Castello* dicto de *Attrebato* salutem. Præbendam quam habuit *Engeltramus* Dominus quondam Canonicus Ecclesiæ Sancti *Wulfranni* Abbatis *Vill.* in eadem Dorso Rot. Vasconiæ 13 E. 1. Pontini Pro Magistro Nicholao de Castello.

An. 13 *E.* 1. eadem Ecclesia vacantem, et ad nostram donacionem spectantem, cum tocius juris sui plenitudine vobis conferimus, & de ea caritatis intuitu providemus. In cujus, &c. Dat. apud *Westm.* 3 die *Maii*, Anno &c. 13.

Et mandatum est Decano & Capitulo Ecclesiæ Sancti *Wulfranni* Abbatis *Villæ*, quod dictum Magistrum *Nicholaum* recipientes in Canonicum, & in fratrem Ecclesiæ suæ prædictæ, ipsum vel procuratorem ejus suo nomine in temporalem possessionem prædictæ præbendæ, cum tocius juris sui plenitudine inducant, stallum in choro et locum in Capitulo, prout moris est, assignantes eidem. Adhibitis sollempnitatibus aliis in talibus consuetis. Dat ut supra.

What Soveraign Ecclesiastical Jurisdiction, and punishments for encroachments thereon the King this year exercised in *Ireland*, especially against *Nicholas* Archbishop of *Ardmach*, who seising the Temporalties of the Bishoprick of *Drummore* during the vacancie, in derogation of the Kings prerogative, for which he was amerced twenty Marks by the Justices of the Kings Bench in *Ireland*: (the moitie whereof the King upon his submission pardoned, out of his special grace; but ordered him to pay all the residue) these Records attest.

Claus. An. 13 E. 1. m. 2. Hibernia. Pro Archiepiscopo Ardmachano.

REX *Thesaurario & Baronibus de Scaccario suo* Dublin. *salutem. Sciatis*, quod de gratia nostra speciali pardonavimus *Venerabili patri* Nicholao Ardmachano amerciamentum illud in quo nuper incidit coram Justic. de Banco nostro Dublin. pro occupatione temporalium Episcopatus Drummorensis, quam idem Archiepiscopus super nos fecisse dicebatur tempore ultimæ vacationis Episcopatus ejusdem, et nobis injuste detentorum, prout coram eisdem Justiciariis fuit adjudicatum. *Et ideo vobis mandamus, quod ipsum Archiepiscopum de prædicto amerciamento quod ab eo occasione prædicta exigitis, quietum esse faciatis. Teste Rege apud* Wynton. 4. *die* Octobris.

Ibidem. Pro eodem Archiepiscopo.

REX *Thesaurario & Baronibus de Scaccario suo* Dublin. *salutem. Sciatis, quod de illis* viginti marcis *in quibus venerabilis pater* Nicholaus *Archiepiscopus* Ardmacanus *nuper coram Justiciariis nostris de Banco* Dublin. *pro exitibus Temporalium Episcopatus* Drummorensis *in ultima vacacione ejusdem* nobis per ipsum injuste detentis extitit condempnatus, pardonabimus eidem Archiepiscopo decem marcas, ita quod aliæ decem marcæ nobis ad idem Scaccarium plenarie solvantur. *Et ideo vobis mandamus, quod ipsum Archiepiscopum de prædictis decem marcis quietum esse faciatis. Teste ut supra.*

Cl. 13 E. 1. dorso m. 5. De Statutis liberatis.

Memorandum quod die Veneris in festo Exaltacionis Sanctæ Crucis, *Anno, &c.* 13. *apud* Wynton. *liberata fuerunt* Rogero Bretun *Clerico, venerabilis patris* W. Waterfordensis *Episcopi tunc Justiciarii* Hiberniæ quædam Statuta per Regem et Consilium suum edita et provisa, *videlicet* Statuta Westm. (1) *statim post Coronationem Regis edita*, & Statuta Glouceſtriæ, & Statuta *pro* Mercatoribus *facta*, *ac* Statuta Westm. (2) *in Parliamento Regis* Paschæ *anno prædicto provisa & facta*, in Hiberniam deferenda, et ibidem proclamanda et observanda. These Statutes then made in the Parliaments of *England*, obliging both the Prelates and Clergie of *Ireland* in Church affairs, as well as the Nobles and Commons in Temporal matters.

Pat. 13 E. 1. m. 19. De licencia eligendi.

Mandatum est Justiciario Hiberniæ, *quod Insulam illam quæ fuit* Roberti le Poher *juxta* Watreford. *liberet venerabili patri* W. Middensi *Episcopo*, (to augment his Bishoprick) *tenendam quamdiu Regi placuerit juxta extentam per ipsum indefactam, vel si necesse fuerit faciendam. Teste Rege apud* Neubiry, 9. *die* Januarii.

Cl. 13 E. 1. m. 12. Pro Episcopo Midden.

ODo Magrawy *nuncians Regi vacacionem Ecclesiæ* Elfinensis, habet literas Regis de licentia eligendi.

Et memorandum, quod prius elegerunt et obiit Electus ante confirmationem suam, et propter hoc pecierunt modo licentiam eligendi. Thereupon electing a new.

REX

An. 13 E. 1.

Pat. 13 E. 1. m 4. Hibern. De assensu postulationi seu electioni adhibito.

REX *postulacioni seu electioni* nuper factæ *in Ecclesia Cathedrali* Elphin. *de Fratre* Gelano *Abbate Sanctæ* Trinitatis *de* Lochle in Episcopum Ecclesiæ prædictæ, Regium assensum adhibuit et saborem. *Et hoc significatum est Custodi Spiritualitatis Archiepiscopatus* Tuamensis *sede vacante. In cujus, &c. Teste Rege apud* Wynton. 5 *die* Octobris.

Ibid. m. 8. De Temporalibus Archiepiscopatus Dublin. restitutis.

REX dilecto Clerico suo *Nicholao de Clere* custodi suo Archiepiscopatus *Dublin.* sede vacante, salutem. **Cum Sanctissimus in Christo pater** Honorius **Dei providentia Sacrosanctæ Romanæ ac Universalis Ecclesiæ Summus Pontifex, electionem nuper celebratam** de discreto viro Magistro *Johanne de Saunford*, nuper Decani Ecclesiæ Sancti *Patricii Dublin.* in Archiepiscopum loci illius, **confirmaverit**, sicut per literas ipsius Summi Pontificis patentes nobis constat, **cepimus fidelitatem ipsius Archiepiscopi, et Temporalia Archiepiscopatus prædicti, prout moris est, restituimus eidem.** Et ideo vobis mandamus, quod eidem Archiepiscopo Temporalia Archiepiscopatus prædicti, cum pertin. restituatis in forma prædicta. In cujus, &c. Teste Rege apud *Wolvemere* 6 die *Augusti.*

Et mandatum est Militibus, &c. Teste ut supra.

Ibid. m. 13. De assensu adhibito electioni, & Temporalibus restituendis.

REX venerabili in Christo patri *S.* eadem gratia *Watrefordensi* Episcopo, Justiciario suo *Hiberniæ*, vel ejus locum tenenti, salutem. Cum dilecti nobis in Christo Prior & Conventus Sanctorum *Petri* & *Johannis* de *Clonnard.* nobis per literas suas patentes significaverint, quod Ecclesia sua prædicta per mortem bonæ memoriæ fratris *Elyæ* nuper Abbatis ejusdem loci, pastoris est solatio destituta; **supplicantes nobis**, prout moris est, **quod licentiam sibi alium eligendi in Abbatem eisdem concedere dignaremur**; Ac nos precibus eorundem, *&c.* Nos eorundem Prioris & Conventus laboribus & expensis in hac parte parcere volentes, ista vice concessimus eis de gratia nostra speciali, & vobis dedimus potestatem, *&c.* **Receptis prius ab ipso Electo literis suis patentibus sigillo suo, necnon et sigillo Capituli sui consignatis, quod hæc gratia nostra quam eidem Electo ad præsens ex mera liberalitate nostra concessimus, nobis vel hæredibus nostris non cedat in præjudicium vel erhæredationem, seu trahetur in consequentiam temporibus futuris.** In cujus, &c. Teste Rege apud *Kerdig.* 16 die *Decembris.*

Ibid. m. 10. De potestate data præsentandi ad Ecclesiam de Lexmedy.

REX dilecto Clerico suo Magistro *Johanni de Beverle* Cancellario Scaccarii nostri *Dublin.* salutem. Idoneam personam ad Ecclesiam de *Lexmedy Midensis* Diocesis, cum eam vacare & ad nostram donationem **ratione vacationis Episcopatus ejusdem spectare contigerit, præsentandi vice et auctoritate nostra tenore præsencium liberam vobis concedimus potestatem.** In cujus, &c. Teste Rege apud *Westm.* primo die *Julii.* Et duplicatur.

Stephen Bishop of *Waterford*, an ambitious Prelate, (who totally neglected his Episcopal office, and plunged himself over head and ears in worldly affairs) being formerly Treasurer, was this year made Chief Justice of *Ireland*, for which he procured a Pension out of the Exchequer there of 500 *l.* a year during his continuance in that imployment, as this Patent assures us.

Pat. 13 E. 1. m. 5. Hibern.

REX omnibus ad quos, &c. salutem. Sciatis quod concessimus venerabili patri *S. Watrefordensi* Episcopo, Justiciario nostro *Hibern.* **quingentas libras singulis annis**, à die Dominica proxima ante festum Apostolorum *Philippi* & *Jacobi* anno regni nostri terciodecimo, quamdiu fuerit Justiciarius noster, ibidem ad Scaccarium nostrum *Dublin.* percipiendas, unam videlicet medietatem ad Scaccarium nostrum Sancti *Michaelis*, & aliam medietatem ad Scaccarium nostrum *Paschæ*, **pro expensis suis in officio prædicto.** Ita tamen quod si turbacio, quod absit, in prædicta terra emerserit, per quod Castra nostra munire, & circa defensionem terræ nostræ propriæ ibidem sumptus apponere necessariò oportebit, tunc volumus quod aliquis Baro vel Clericus de quo fiducia habeatur, per Thesaurarium & Barones nostros de eodem Scaccario deputetur, ad pecuniam nostram in eodem Scaccario recipiendam, & in municione & defensione hujusmodi ponendam & expendendam, per visum & testimonium

An. 13 *E.* 1. testimonium prædicti Justiciarii, prout de consilio prædictorum Thesaurarii & Baronum ad opus nostrum melius & securius fuerit faciendum. In cujus, &c. Teste Rege apud *Wolvemere* 6 die *Augusti*.

The like Patent to him, almost *verbatim*, is entred in the *Liberate Roll* of this year, 13 E. 1. m. 3. *Teste Rege apud* Ambresbury 15 *die* Augusti.

What an ill account of these his Stewardships this secular Bishop gave to the King in the Parliament at *Westminster*, who out of his grace pardoned the arrears due to him upon his account, this Record ascertains us.

Pat. 13 E. 1. m. 7. Pro Episcopo Waterfordensi.

REX omnibus ad quos, &c. salutem. Sciatis quod cum venerabilis pater *Stephanus Watrefordensis* Episcopus, **nobis teneretur in magna summa pecuniæ de arreragiis compoti sui quem reddidit ad Scaccarium nostrum apud *West.* in Parliamento nostro** post Pascha anno regni nostri terciodecimo, de toto tempore quo fuerat *Justiciarius* noster & *Thesaurarius* noster in *Hibernia*: Nos attendentes sumptus immensos quos circa municionem Castrorum nostrorum in *Hibernia*, & circa guerras ibidem sedandas, & circa alia diversa negotia nostra apposuit. Considerantes etiam amissionem quorundam victualium & rerum quæ pro sustentatione exercitus nostri in *Wallia* ad partes easdem de *Hibernia* dudum misit, de quibus forsan secundum rigorem recti compoti & aliquorum judicium non haberet (allocat) præfato Episcopo: ipsius aliunde pensatis meritis, **totam pecuniam prædictam, et omnia arreragia illa, de gratia nostra speciali pardonabimus, et ipsum inde tenore præsentium quietamus.** Ita tamen quod si aliqui in posterum à nobis aliquid petierint, de quo idem Episcopus exoneratus existit in compoto suo prædicto, ipse nos inde acquietare debeat versus eos. Volumus etiam, quod si inveniatur quod dictus Episcopus de aliquo se non oneraverit in compoto prædicto, unde onerare se debuisset, de eodem nichilominus se onerare & exonerare possit imposterum, & nobis inde respondere sine calumpnia qualicumque. In cujus, &c. Teste Rege apud *Wulvemere* 6 die *Augusti*.

An. 14 *E.* 1. *Anno* 14 *E.* 1. *John le Romeyne* being accused before the Kings Justices for suing the Prior of *Huntingdon* in the Spiritual Court, against the Kings Prohibition issued to him, and departing the Court without the Judges license, obliged himself, and all his Ecclesiastical and Temporal livings, goods, to stand to the Kings will and pleasure therein, and give such satisfaction to the Prior of *Huntingdon*, as the Kings Court should award in the premises; which Recognisance the King commanded to be enrolled, for perpetual memory thereof.

Clauf. 14 E. 1. m. 8. dorso. De quadam obligatione facta Regi per J. le Romeyn, de eo quod venit contra Prohibitionem Regiam, &c.

UNiversis Sanctæ matris Ecclesiæ filiis ad quos præsens scriptum pervenerit, *J. le Romeyne* Canonicus *Ebor.* salutem in Domino sempiternam. Noverit universitas vestra, quod cum magnificus Princeps Dominus *Edwardus* Dei gratia Rex *Angliæ* illustris, me *Johannem* in Curia sua calumpniatus fuisset, **super eo quod veniße debueram contra Prohibitionem Regiam a sua magnificentia mihi missam, et de eo quod coram inde Justic. suis Itinerantibus** apud Norht. **occasionatus sine eorum licentia, ut dicitur, tunc recessi.** Ego prædictus *Johannes* super præmissis omnibus **suæ voluntati et gratiæ plene et totaliter me submisi,** obligando me & omnia bona mea Ecclesiastica & mundana, quæ nunc habeo, & in posterum habuero, per præsentes meas literas patentes **gratum suum inde facere et in omnibus adimplere. Ac Prior de Huntingdon, pro quo dicta prohibitio mihi tradita fuerat, super hoc satisfacere, quatenus in Curia prædicti Domini Regis convinci contigerit me præmissis, seu eorum aliquo deliquisse.** In cujus rei testimonium sigillum meum apposui huic scripto. Dat. apud *Bellum locum* Regis, quinto Kal. *Decembris*, Anno Domini 1285. **Rex præcepit istud scriptum irrotulari ad perpetuam rei memoriam.**

* Tho Stubs Actus Pontif. Eborac. col. 1727 Godwins Catalogue of Bishops, p. 470.

This * *John le Romeyne*, born in *Rome*, being soon after elected, confirmed and consecrated Archbishop of *York* by Pope *Honorius*, the King issued this Patent and Writ to restore his Temporalties to him.

REX

An. 14 E. 1.

Pat. 14 E. 1. m. 18. De Temporalibus Archiepiscopatus Ebor. restituris.

REX dilecto Clerico suo *Malculmo de Harle* custodi Archiepiscopatus *Ebor.* sede vacante, salutem. **Cum Sanctissimus Pater Dominus** Honorius **Summus Pontifex electionem nuper in Ecclesia Cathedrali** Ebor. **de discreto viro Magistro** Johanne le Romeyn **in Archiepiscopum ipsi ejusdem factam, cui Regium assensum prius adhibuimus et favorem; confirmaverit; prout per literas patentes ipsius Summi Pontificis accepimus: Nos confirmationem illam acceptantes, cepimus fidelitatem ipsius Archiepiscopi, et Temporalia ejusdem Archiepiscopatus, prout moris est, restituimus eidem.** Et ideo vobis mandamus, quod eidem *Johanni* Temporalia Archiepiscopatus prædicti cum pertin. liberetis, sicut prædictum est. In cujus, &c. Teste Rege apud *Langeley*, 12 die *Aprilis*.

Et mandatum est Militibus, &c. In cujus, &c. Teste ut supra.

John Peckham Archbishop of *Canterbury* having * formerly prohibited by his Pontifical Edicts all persons within his Province to lodge, or sell Victuals to, or converse with *William Wickwane* Archbishop of *York*, or his Servants, when sent for by the King upon his publick affairs, under pain of Excommunication, because he carried his Crosse before him within his Province, to his prejudice as he conceived; the King upon *John le Romeyne* his successors arrival in *England* from *Rome*, (where he was consecrated) enjoyned them by his supreme authority to sell him, his family and attendants Victuals, and all other necessaries they wanted for the future, in all places where they passed, notwithstanding the Archbishops Inhibitions, by these two Patent Writs.

* See here p. 235, 236.

Pat. 14 E. 1. m. 19. intus. Pro Archiepiscopo Ebor. & Familia sua.

REX omnibus ad quos, &c. salutem. Cum inter venerabiles patres *J. Cantuar.* & *J. Ebor.* Archiepiscopos **contentionis materia sit suborta, vel credatur futuris temporibus suboriri, ac Dominus Archiepiscopus** Ebor. **jam in Anglia ad nos de nostra licentia accessurus, victualibus et aliis necessariis pro se et familia sua indigeat sicut constat, vobis mandamus firmiter injungentes, quod eidem Archiepiscopo** Ebor. **et familiæ suæ, et comitivæ suæ, cum ipsos per partes vestras transitum facere contigerit; victualia et alia necessaria quibus indiguerint venditioni exponatis eis super hujusmodi necessariis, occasione contentionis prædictæ nihil penitus subtrahentes.** In cujus, &c. duratur. usque ad festum *Ascensionis Domini* prox. futurum. Teste Rege apud *Wood.* 15 die *Marcii*.

Ibid. m. 19.

REX omnibus ad quos, &c. salutem. Cum inter venerabiles patres *J. Cantuar.* & *J. Ebor.* Archiepiscopos **contentionis materia sit suborta, vel credatur futuris temporibus suboriri,** *&c.* (just as in the former, but) Teste Rege apud *Merewell* 30 die *Marcii*.

The Abbot and Covent of *Bogeham* having by fraud and force intruded themselves into the Church of *Halesham*, and forcibly thrust out the Rector thereof, against the sentence of the Archbishop of *Canterbury* in his Ecclesiastical Court for his restitution; for which they were excommunicated and aggravated by the Archbishop, whose Excommunications and Mandates they not only contemned, but blasphemed and derided, persisting in their force and sacriledge; the Archbishop thereupon made this Certificate thereof to the King, humbly imploring his Royal ayd and authority to remove the force, reduce them to obedience, and put the Rector in quiet possession thereof, lest the Judgement of the Church should come into contempt in his dayes.

Brevia Regis in Tur. Lond. Anno 14 E. 1.

EXcellentissimo Principi Domino Edwardo *Dei gratia Regi* Angliæ *illustri, Domino* Hiberniæ, *& Duci* Aquitaniæ, *Frater* Johannes *permissione divina* Cantuar. *Ecclesiæ minister humilis, totius* Angliæ *Primas, salutem,* **cum omni reverentia et honore.** *Licet dudum Ecclesia de* Halesham *ejectis ab ea, Abbate de* Bogeham, **et fraudis suæ complicibus qui inauditis vobis se intruserant in eandem,** *suo Rectori ab antiquo Magistro* Roberto de Blechington *fuerit,* **per decretum Curiæ nostræ sententialiter restitutus,** *& ipse fuerit in possessione pacifica ejusdem Rectoriæ quam virtute decreti hujusmodi annis plurimis sicut aranationes patria non ignorat: Dicti tamen*

An. 14 E. 1. *Abbas & Conventus* resumptis fraudis suæ pristinæ molimintibus, vi et armis expulso prædicto Rectore se in ipsam, Dei timore postposito, furtim et sacrilege intruserunt contra decretum et sententias nostræ Curiæ antedictæ: Et licet sint excommunicati et aggravati quantum potestas Cantuariensis Ecclesiæ se extendit; ipsi tamen nostras sententias inauditis blasphemiis subsannantes, in suo sacrilegio perseverant, non curantes quid damni in suis incurrant conscientiis; cum tamen lucro sacrilego, Archiva sua valeant instaurare, * falsæ religionis et veræ hypocrisis titulum defendentes, et manu armata Ecclesiam detinent prophanatam, in totius enervationem, quantum in ipsis est, Ecclesiasticæ disciplinæ. *Ut igitur quod laudabiliter & canonicè factum est in formâ justitiæ effectui debito valeat mancipari,* Majestati Regiæ supplicamus humiliter et devote, quatenus ad compescendam tantam præsumptionem malitiæ, vim, et potestatem laicalem, his secundum regni consuetudinem ab eadem Ecclesia jubeat amoveri, et memoratum Robertum in eandem possessionem pacificam reduci, et reductum authoritate Regia protegi et defendi: Ut quod minus valet cohertio Sanctæ matris Ecclesiæ in hac parte, pro Dei et Ecclesiæ suæ reverentia Regia suppleat magnitudo, ne nostris temporibus judicium Ecclesiæ veniat in contemptum. *Valeat reverenda Majestas Regia semper in Christo & Virgine gloriosa. Dat. apud* Ohithmalling 7 *Idus* Martii, *Anno Domini* 1287.

* *Nota.*

What the King did upon this Certificate I finde not, but from thence I shall observe: 1. That this proud Archprelate, who so much opposed the Kings Regal and Ecclesiastical authority in other forementioned particulars, was here enforced humbly to implore the ayd and assistance thereof, to support his own Archiepiscopal Decrees, censures, and make them effectual in their execution. 2ly. That his Ecclesiastical censures and authority were both extraordinarily contemned, reproached, yea derided by this Abbot, Covent, and other Religious persons, notwithstanding his grandeur, and high favour in the Court of *Rome*. 3ly. That Abbots and Monks in that age, made no conscience by force or fraude to invade and detain the Churches of other Clergymen, to fill their own purses, (being true hypocrites, and of a false Religion) by the verdict of this Archprelate, who was and writ himself a Freer.

The King about the same time, at the prayer of *Robert Burnell* Bishop of *Bath* and *Wells*, granted the Bishop this special license to inclose the Churchyard of the Cathedral Church in *Wells*, with a wall, battlements and gates, for the honour of God, the honesty of the Church, and of the corps of the Saints therein resting, and the peace, security of the Canons and Ministers inhabiting therein, so as it should stand open for passengers all the day time, and be shut up only in the night.

Pat. 14 E. 1. m 19. intus. Pro Bathon. & Wellen. Episcopo de Cimiterio Wellen claud. &c.

REX omnibus ad quos, &c. salutem. Sciatis, quod ad honorem Dei, et honestatem Ecclesiæ Cathedralis Wellen. ac Sanctorum quorum corpora requiescunt in eadem, necnon ad securitatem et quietem Canonicorum et Ministrorum prædictæ Ecclesiæ, et suorum ibidem residentium, concessimus pro nobis & hæredibus nostris venerabili patri *Roberto Bathon. & Wellen.* Episcopo, quod ipse Cimiterium Ecclesiæ prædictæ, et procinctum domorum Canonicorum prædictorum infra Civitatem suam Wellen. muro lapideo circumquaque includere, et murum illum kernellare, et procinctum illum sic inclusum eisdem Episcopo et successoribus suis ad suam et dictorum Canonicorum securitatem majorem tenere possit, sine occasione vel impedimento nostri et hæredum nostrorum, Justic. et aliorum Ministrorum nostrorum quorumcunque imperpetuum. Ita quod in stratis & locis aliis necessariis & competentibus ibidem, portas & posternas fieri, & stratas quas ipsum in procinctu illo includere contigerit ad propius et commodius, quod pro transeuntibus fieri poterit diverti faciat, et ita quod portæ illæ et posternæ singulis diebus ab aurora diei usque ad noctem sint apertæ pro utilitate transeuntium per portas et posternas suprædictas. Ita etiam quod portæ illæ & posternæ de nocte claudantur, & in aurora diei aperiantur, sicut prædictum est. In cujus, &c. Teste Rege apud *Woodstock*, 15. die *Marcii*.

The

The like licenſe he then granted to the Biſhop, Dean and Chapter of St. *Peters* Church in *Exeter*, to incloſe their Churchyard with a wall, gates and poſterns, differing only in this obſervable Prologue. *An.* 14 *E.* 1.

REX omnibus ad quos, &c. ſalutem. Sciatis quod cum per nocturnos incurſus latronum, & aliorum malefactorum per vicos & venellos in procinctu Cimiterii Cathedralis Eccleſiæ Sancti *Petri Exon.* **et in Cimiterio ſilo multoties de nocte vagantium, homicidia, fornicationes, et alia mala pluries hactenus fuerint perpetrata, et formidetur quod adhuc conſimilia vel majora pericula per hujuſmodi incurſus in vicis et venellis, et Cimiterio, ac procinctu prædictis poterunt evenire, niſi contra pericula illa remedium apponatur.** Nos ad honorem Dei, & dictæ Eccleſiæ, *&c.* as in the former. Teſte Rege apud *Exon.* primo die *Januarii.* Et duplicatur. Pat. 14 E. 1. m. 24 intus. Pro Epiſcopo, & Decano & Capitulo Exon Cimiterio includendo, &c.

The * *occaſion* of this Patent, and incloſing this Churchyard of *Exeter*, *was the ſlaughter of* Walter Lichlade *the firſt Chaunter thereof, as he came from the Mattins then ſaid ſoon after midnight; upon which occaſion the King came thither, and kept his Chriſtmas there, and gave order to incloſe the Churchyard, building certain gates therein, by a compoſition made between the Biſhop and Citizens.* * Godwins Catalogue of Biſhops, p. 325, 327.

This year, (1287.) * *Papa* Honorius *quartus moritur, cui ſuccedit* (An. 1288. as *Mat. Weſtminſter*) Nicholaus *quartus, natione* Romanus, *de ordine Fratrum Minorum.* **Hic fecit (ut dicitur) Fratrum ejuſdem ordinis multa privatim ſtatuit, quæ faciunt non ſolum ſuperbire Minores, ſed etiam inſanire;** as *Thomas Walſingham* ſtories of him and them. * Th. Walſingham Hiſt. Angliæ, p. 14. Mat. Weſtm. p. 374, 376. Platina, Onuphrius, Farnes, Balæus, Oppmeerus, and others in Nicholas 4.

The Abbot of St. *Peters* of *Salop* alienating a Meſſuage and Tenement in *Mere*, of the Kings antient Demeſne, given to it by his Anceſtors to finde a Monk and Prieſt to celebrate Divine Service in a Chappel within that Mannor, immediately after the Statute of *Weſtm.* 2. cap. 41. the King thereupon iſſued this Writ to the Sheriff of *Stafford*, to ſeiſe it into his hands.

REX Vic. *Staff.* ſalutem. Cum de communi conſilio regni noſtri ſtatuerimus, *quod ſi Abbates, Priores, cuſtodes Hoſpitalium, & aliarum domorum Religioſarum fundatarum à nobis vel à progenitoribus noſtris, alienaverint de cætero ten. domibus ipſis à nobis vel à progenitoribus noſtris collata, ten. illa in manum noſtram capiantur, & ad volantatem noſtram teneantur, & emptor amittat ſuum recuperare tam de ten. quam de pecunia quam ſolverit pro eiſdem*; ac Abbas Sancti *Petri Salop.* unum Meſuagium, & unam carucatam terræ cum pertin. in manerio de *Mere*, quod eſt de antiquo Dominico coronæ noſtræ, quæ idem Abbas & prædeceſſores ſui ex collacione & confirmacione progenitorum noſtrorum Regum *Angliæ*, à tempore quo non extat memoria habuerunt, ad inveniendum unum Monachum de Abbacia prædicta, & unum Clericum ad celebrandum divina in Capella de *Wudehuſe* in prædicto manerio de *Mere*, *Willielmo de Merton*, poſt publicacionem ſtatuti prædicti, **ſine licentia et voluntate noſtra vendiderit et alienaverit,** ut pro certo intelleximus: Tibi præcipimus, quod ſi ita eſt, **tunc Meſuagium illud et terram ſine dilatione capias in manum noſtram, et ea ſalvo cuſtodias donec aliud inde præceperimus.** Ita quod de exitibus inde provenientibus nobis reſpondeas ad Scaccarium noſtrum juxta formam ſtatuti noſtri prædicti. Teſte *Edmundo* Comite *Cornubiæ* conſanguineo noſtro apud *Weſtm.* 6 die *Julii.* Fines 14 E. 1. m. 7. De Meſuagio capiend in manum Regis. Weſtm. 2. 13 E. 1. c. 41.

The firſt ſeiſure I have obſerved after this Statute.

A Clerk flying to a Church for Sanctuary, for a robbery by him committed, and there being ready to abjure the Realm, without making his purgation; the Biſhop conceiving it to be againſt the Liberty of the Church, petitioned the Earl of *Cornwall* (then *Cuſtos* of the Realm in the Kings abſence) that he might be delivered to him or his Official to keep, and make his purgation; which the Coroner was commanded to do after 40 dayes, and if he made not his purgation by a day prefixed, then he was to be reſtored to the Church, and make his abjuration.

REX

An. 14 *E.*1. Clauſ. 14 E. 1. m. 3. intus. Pro Epiſcopo Lincoln. de quodam Capellano qui fugit ad Eccleſiam, &c.

REX cuſtodi placitorum coronæ ſuæ in Hundredo de *Welle-Wapentak*, ſalutem. Supplicavit nobis venerabilis pater *Oliverus Lincoln.* Epiſcopus, quod cum quidam *Richardus de Scardeburgh* Capellanus, **pro latrocinio quod patrabit fugerit ad Eccleſiam de *Marton* in Epiſcopatu prædicto, et ibidem in præjudicium libertatis Eccleſiaſticæ, paratum eſſe ſe dicat Regnum noſtrum abjurare, prædictum Capellanum eidem Epiſcopo tanquam Dioceſano ſuo ſuper ſa libertatem Eccleſiaſticam pertractandum, abſque prædicta abjuratione faciendo liberari faciamus. Et quia ex conſuetudine Regni noſtri nullus pro tranſgreſſione ſua fugiens ad Eccleſiam in eadem Eccleſia ultra quadraginta dies ſub protectione noſtra morari debet.** Tibi præcipimus, quod ſi prædictus Capellanus in Eccleſia prædicta moram fecerit per quadraginta dies, **tunc ipſum prædicto Epiſcopo vel Commiſſario ſuo liberos cuſtodiendum uſque ad Quindenam Sancti** Michaelis **proximo futuram.** Ita quod habita tunc inde diſcuſſione **coram Conſilio noſtro, ſuper conſiderationem ejuſdem Conſilii, reducatur idem Capellanus ad Eccleſiam prædictam, prædictam abjurationem in præſentia tua facturus, ſi juxta conſiderationem illam fuerit faciendo.** Teſte *Edmundo* Comite *Cornub.* conſanguineo Regis apud *Weſtm.* 5 die *Julii.*

I finde this memorable Inquiſition retorned the year before, but filed after, not only concerning the bounds, but Tithes and Oblations of the Pariſh of *Braye*, part of which Tithes the King had ſequeſtred.

Clauſ. 14 E 1. m. 5. dorſo. De quadam Inquiſitione capta de bundis parochiæ de Braye, & Decimis & oblacionibus, &c.

INquiſitio capta coram *R. Fulcon.* aſſingnato apud *Elyngton* juxta *Braye* die Veneris in feſto Sanctæ *Margaretæ* Virginis, anno regni Regis *Edwardi* tercio-decimo, per ſacramentum *Bartholomei de Erle, Roberti de Hulle, Roberti de Wautham, Gilberti Maddok, Johannis de Henefend, Godefridi de Henefend, Johannis de Sunnyngeſhull, Rogeri le Cras, Rogeri del Wich, Roberti Beneyt, Roberti de la Chaumbre,* & *Edmundi de Littelefend*, ad hoc juratos, & de conſenſu parcium electos: Qui dicunt ſuper ſacramentum ſuum, quod parochia de *Braye* incipit apud *Bodeleſpole*, & ſic ſe extendit uſque ad domum *Walteri de la Hawe*, qui eſt de parochia de *Wyndeſ.* & à domo ejuſdem *Walteri*, uſque ad *Elyſtr.* quæ eſt bunda verſus auſtrum, & ab illo loco uſque *Hethtrewe*, quæ eſt bunda verſus occidentem; & ſic uſque ad quendam locum in quo ſtetit quoddam quercus quæ fuit bunda juxta *Bradenebrugg*; & ſic ab illo loco uſque *Crukesfend*, quæ vocabatur *Vacherye Regum Angliæ*, & neſciunt ſi ſit de parochia prædicta, vel non, **ſet ſemper de antiqua cultura ſolverunt Eccleſiæ de *Braye* Decimas, de nova cultura ſolverunt Decimas ſuas de aliqua parte ad eandem Eccleſiam, et de alia parte ſolverunt Decimas aliquo tempore Eccleſiæ *Sarr.* de novo; et de quadam parte Dominus Rex ſequeſtravit Decimas.** Præterea dicunt, quod de *Crukesfend* extendit parochia prædicta uſque la *Fayrhok*, quæ eſt bunda parochiæ prædictæ; & de la *Fayrhok* uſque *Wolvelye*, quæ eſt de parochia de *Wautham* Abbatis; & ſic de *Wolvelye* uſque ad *Maydenhith*: **Et quæſiti ſi Abbates *Cyrenceſtr.* qui pro tempore fuerunt, ceperunt aliquas Decimas extra bundas prædictas**, dicunt, **quod non, niſi tantummodo ſicut ſuprædictum eſt.** Et quia nondum fuit plenè declaratum, utrum *Cruchefend* eſſet bunda parochiæ de *Braye*, nec ne; Dictum fuit eiſdem Juratoribus, quod ſe plenius inde cerciorarent. Ita quod ad certum diem eis præfigendum ipſum *Robertum* cerciorarent, ita quod omnes Juratores venerint coram eodem *Roberto* apud *Cruchefend* die Lunæ proxima poſt feſtum Exaltationis Sanctæ Crucis, præter *Robertum de Wautham* qui mortuus eſt, & *Robertum Beneyt* qui infirmabatur; ita quod partes in dictum eorum conſenſerunt. Et dicunt ſuper ſacramentum ſuum, quod *Cruchefend* fuit quondam vaccaria Domini Regis, & eſt in le *Fryth*; & quod homines de *Cruchefend* fecerunt Eccleſiæ de *Braye*, & adhuc faciunt, exceptis duabus culturis, **omnes Decimas et oblationes inde provenientes**, ſet intelligunt ſi *Cruchefend* nunc primo redigeretur in culturam quod Eccleſia de *Braye* **nichil inde caperet.** Quæſiti qua ratione, dicunt, quod *Cruchefend* eſt in le *Frith*, & le *Frith* nichil pertinet ad *Braye*: Dicunt etiam, quod per ducentos annos & amplius, **perceperunt Rectores Eccleſiæ de *Braye*, oblationes et omnimodas Decimas inde provenientes.** Præterea dicunt, quod omnes terræ contentæ in cedula præſentibus intercluſa redactæ fuerunt in culturam citra quadraginta annos nunc proximo elapſos.

Et

Et memorandum, quod ista Inquisicio quam cito irrotulata fuit, liberata fuit per manum *J. de Langeton* die Martis in vigilia Apostolorum *Philippi* & *Jacobi*, Anno, &c. 14. Magistro *H.* de *Braunceston* tunc Decano *Sarr.* & *Henr.* de *Esse* Canonico ejusdem Ecclesiæ cum brevi originali. *An.* 14 E. 1.

* *John de Kirkeby* Dean of *Worcester*, formerly elected Bishop of *Chester*, but his election made void by *John Peckham* Archbishop of *Canterbury* for holding many several Ecclesiastical preferments; for that a man of so good conscience as a Bishop ought to be, would rather content himself with a little Living, then cumber himself with so many charges; was notwithstanding this year by the Kings *Conge delier* elected Bishop of *Ely*, in which being confirmed by the Kings Royal assent, and approved by the same Archbishop (notwithstanding his former *pluralities*,) the King issued out Writs in usual form for the restitution of his Temporalties, to the Gardians of the Temporalties and Bishops Tenants, entred at large in the *Patent Roll*, 14 E. 1. m. 4. *Teste Com.* Cornubiæ *apud* Westm. 7 *die* Septembris. * See Godwins Catalogue of Bishops, p. 210. *Nota.*

The Pope deputing *Giffredus de Vezano* his Clerk and Nuncio to execute the businesse of the *Cross*, and of the *Disme* granted for the aid of the *Holy Land*, which the King had formerly seised and secured; the King issued this Patent of assistance for him and his agents in this affair to Sheriffs, and all other his Officers and Subjects.

REX *Vicecomitibus & omnibus Ballivis & fidelibus suis ad quos præsentes literæ pervenerint salutem. Cum dilectus nobis Magister* Giffredus de Vezano *ad* negotium Crucis, et Decimæ in subsidium Terræ Sanctæ concessæ exequendum sit deputatus; *Nos negocium illud favore benivolo prosequi cupientes, vobis mandamus, quod eidem Magistro* Giffredo *& suis in hiis quæ negocium tangunt memoratum, auxiliantes sitis & consulentes quociens opus fuerit, & ab ipso vel suis fueritis requisiti. In cujus, &c. Teste Rege apud* Cantuariam 10. *die* Maii. *Et habet inde quinque paria literarum.* Pat. 14 E. 1. m. 9. De negotio Crucis & Decimæ exequendo.

The King having occasion to borrow and make use of this money for the urgent affairs of the Kingdom, it was divided into several summes, and deposited in several hands, by the Nuncioes assent, order, at the Kings special request, some unto forein Popish Merchants, other summs unto several Abbots, Priors, and their Covents, other summes into the hands of the *Templars* and *Hospitallers*, who all entred into several Obligations and Recognisances together with the King (enrolled in Chancerie) to repay all these monies to the Church of *Rome*, Popes Nuncio or his Deputies, within two moneths space, when ever required to do it, under several penalties, forfeitures, hard conditions, subjection to Excommunications, Interdicts of Popes or their Nuncioes, and renunciations of all legal advantages, or losses by any casualties, as the Recognitions and Obligations themselves, very observable, will more fully evidence.

NOverint *universi præsentes literas inspecturi, quod nos* Edwardus *Dei gracia Rex* Angliæ, *Dominus* Hiberniæ, *& Dux* Aquitanniæ *recognoscimus & confitemur, quod Magister* Giffredus de Vezano *Canonicus Cameracensis Cameræ Domini Papæ, Clericus,* Apostolicæ sedis Nuncius, et executor negociorum Terræ Sanctæ, super Decima et aliis in Regno nostro a dicta sede deputatus, ad preces et requisicionem nostras deposuit nomine Ecclesiæ Romanæ et Terræ Sanctæ, octo millia librarum bonorum Sterlingorum, de pecunia Decimæ concessæ ipsius Terræ Sanctæ subsidio in ipso Regno collecta, penes Ricardum Guydicionis, Henricum de Podio, & Raynerum Guydicionis, & Matthæum Rugepeil, Cives et Mercatores Lucanos de societate Ricardorum de Luca, *recipientes pro se à dicta societate & singulis sociis suis dictæ societatis: Et ipsi Mercatores obligando se & singulos socios suos & dictam societatem*, promiserunt dictum depositum libere, plene et integre solvere et restituere apud Novum Templum London. ipsi Giffredo, vel alio certo præfatæ sedis Nuncio, infra duos menses postquam a prædicta sede vel eodem Giffredo, seu alio ejusdem sedis certo nuncio, ipsi vel aliquis eorum, seu alii vel alius de dicta societate fuerint requisiti. Et nos ad majorem Romanæ Ecclesiæ et ipsius Terræ Sanctæ securitatem Pat. 14 E. 1. m. 11. De Decima.

An. 14 *E.* I. curitatem super deposito manucapimus pro dictis Mercatoribus et eorum sociis ac societate, quod promissionem et obligacionem eorum fideliter et plenarie observabunt. *Et promittimus bona fide*, quod in defectu eorum plenam et integram solucionem tocius pecunie supradicte apud dictum Templum, eisdem Mercatoribus, vel eorum sociis seu societate non conventis, vel bonis eorum eciam non excussis, infra unum mensem postquam requisiti fuerimus, predicto Giffredo vel alii certo dicte sedis nuncio libere faciemus. Et ad hoc nos et omnia bona nostra, et hæredes et successores nostros ipsi Giffredo recipienti nomine Romane Ecclesie ac Terre Sancte specialiter obligamus. *In cujus, &c. Teste Rege apud* Cantuariam 9. *die* Maii.

Pat. 14 E. 1. m. 11. De Decima.

NOverint universi presentes literas inspecturi, quod nos Edwardus *Dei gratia Rex* Anglie, *Dominus* Hiberniæ, *& Dux* Aquitanniæ *recognoscimus & confitemur, quod Magister* Giffredus de Vezano *Canonicus Cameracensis* Domini Papæ Clericus, Apostolicæ sedis nuncius, et executor negociorum Terre Sancte a dicta sede in Regno nostro, super Decima ipsius Terre Sancte concessa subsidio, et aliis deputatus, de consilio nostro et ad preces et requisicionem nostras, deposuit nomine Romane Ecclesie et Terre Sancte, de pecunia ipsius Decime in dicto Regno collecta, sex milia octingentas triginta tres libras sex solidos et octo denarios bonorum sterlingorum, penes infrascriptos Religiosos, secundum et particulas infrascriptas, *videlicet penes Abbatem & Conventum Sancti* Albani mille marcas, **penes ... Abbatem & Conventum Sancti* Edmundi mille marcas, *penes ... Priorem & Conventum de* Merton quingentas libras, *penes ... Abbatem & Conventum Sancti* Augustini Cantuarie quingentas marcas, *penes ... Abbatem & Conventum de* Rameseya mille libras, *penes ... Abbatem & Conventum de* Thorneia quingentas marcas, *penes ... Abbatem & Conventum de* Oseneye *juxta* Oxon. quingentas libras, *penes ... Abbatem & Conventum de* Croiland quingentas libras, *penes ... Abbatem & Conventum de* Burgo Sancti Petri quingentas libras, *penes ... Abbatem & Conventum* Habindon mille marcas, *penes Priorem & Conventum* Elyensem quingentas libras, *& penes ... Abbatem & Conventum* Westm. *juxta* London. mille marcas: *& singulorum predictorum Monasteriorum Religiosi per suas patentes literas quantitates & particulas supradictas, prout pro singulis hujusmodi Monasteriis predicantur*, se recepisse et habere in deposito recognoverunt, et promiserunt obligando se et successores suos et eorum bona infra duos menses postquam requisiti fuerint, libere, plene et integre solvere et restituere dicto Giffredo, vel alii certo presate sedis nuncio apud Novum Templum suis periculis et expensis. Et nos ad majorem Ecclesie Romane ac Terre Sancte securitatem pro dictis Religiosis manucapimus, quod ipsi omnes et singuli promissiones et obligaciones eorum, prout in eorum continetur literis fideliter et plenarie observabunt. *Et promittimus bona fide*, dicto Giffredo nomine Romane Ecclesie ac Terre Sancte recipienti, quod in defectum eorundem Religiosorum vel aliquorum ipsorum, premissas quantitates vel singulas earum in quibus defectus fuerit, infra unum mensem postquam requisiti fuerimus, plenarie et libere persolvemus apud dictum Templum eidem Giffredo, vel alio certo presate sedis nuncio, presatis Religiosis non conventis, vel bonis eorum eciam non excussis. Et ad hæc nos et omnia bona nostra, et hæredes et successores nostros specialiter obligamus. Renunciando omnibus privilegiis, consuetudinibus, et statutis, quibus contra predicta modo aliquo defendere nos possemus. *In cujus, &c. Teste ut supra.*

* Blanks were left for their names.

Ibidem.

NOverint universi presentes literas inspecturi, *quod nos* Edwardus *Dei gratia Rex* Anglie, *Dominus* Hiberniæ, *& Dux* Aquitanniæ, recognoscimus et confitemur, *quod Magister* Gifredus de Vezano, *&c.* as before. de consilio nostro et ad requisicionem nostram deposuit penes Religiosos viros fratrem Willielmum *Priorem Hospitalis Sancti* Johannis Jerusalem. *in* Anglia, *& Preceptorem & Thesaurarium Domus dicti Hospitalis de* Clerknewell London. quinque mil. marc. bonorum sterlingorum de pecunia Decime Terre Sancte subsidio deputato in Regno nostro collecta: Et ipsi Religiosi promiserunt dictam pecuniam solvere, reddere, et restituere plene et libere ipsi Magistro Gifredo, vel alii certo Apostolice sedis nuncio infra unum mensem postquam ipsi vel eorum aliquis fuerint requisiti, sicut cum literis patentibus

patentibus ſigillatis ſigillis eorum et ſigillo Prioratus Angliæ cum barba et bulla plumbea Magiſtri generalis dicti Hoſpitalis plenius continetur; Et nos pro ſecuritate Romanæ Eccleſiæ ac Terræ Sanctæ manucapimus pro ipſis Religioſis, quod ipſi promiſſionem et obligacionem ſuas plenarie obſervabunt. *In cujus, &c. Teſte ut ſupra.* *An.* 14 E. 1.

REX *omnibus ad quos præſens ſcriptum pervenerit ſalutem.* Widimus depoſitum mille marcarum *in Abbacia Sancti* Edmundi exiſtencium, de pecunia Decimæ a Clero regni noſtri Angliæ in ſubſidium Terræ Sanctæ nuper conceſſa. *Vidimus eciam* literas *Abbatis & Conventus ejuſdem loci* obligatorias Magiſtro Giffredo de Vezano Cameræ Domini Papæ *Clerico*, Apoſtolicæ ſedis nuncio, et executori negociorum Terræ Sanctæ ſuper Decima et aliis in dicta ſede in Anglia deputato ſuper ejuſdem depoſiti receptione confectas in hæc verba. Noverint univerſi præſentes literas inſpecturi, quod nos Abbas & Conventus Sancti *Edmundi* de plano recognoſcimus et confitemur nos recepiſſe, et habere in depoſito nomine *Romanæ Eccleſiæ* et *Terræ Sanctæ* a venerabili viro Magiſtro Giffredo de Vezano Cameræ Domini Papæ Clerico, Apoſtolicæ ſedis nuncio, et executore negotiorum *Terræ Sanctæ* ſuper Decima et aliis a dicta ſede in Anglia deputato de pecunia ipſius *Terræ Sanctæ* conceſſa, ſubſidio quæ collecta fuit in Regno Angliæ mille marcas bonorum novorum, et legalium ſterlingorum, cui depoſito nos voluntarie obtulimus pro noſtris et Monaſterii noſtri utilitatibus. Et promittimus per fidem noſtram ac jurabimus, nos depoſitum ipſum plene et integre reddere, ſolvere et aſſignare dicto Magiſtro Giffredo, ſeu alii certo dictæ Apoſtolicæ ſedis nuncio apud Novum Templum London. infra duos menſes poſtquam nos vel aliquis noſtrum a dicto Magiſtro Giffredo, ſeu alio certo dictæ ſedis nuncio fuerimus requiſiti, de qua requiſicione credatur ſimplici verbo dicti Magiſtri Giffredi, ſeu alterius hujuſmodi certi nuncii; Suſcipientes in nos caſus et periculi furti, rapinæ, incendii, et vis majoris, et omnes alios caſus, et omnia alia pericula qui et cux quomodolibet evenire poſſent. Et ſubjicientes nos juriſdictioni dicti Magiſtri Giffredi, et cujuſcunque alterius certi dictæ ſedis nuncii, ut per excommunicationis in perſonas, et interdicti in Eccleſiam noſtram ſentencias, ſine aliqua monicione compellere nos poſſint et poſſit, ad plenam reſtitucionem depoſiti ſupradicti. Renunciando omni Juri Canonico et Civili tacito et expreſſo competenti et competituro, et omnibus privilegiis et indulgenciis impetratis et impetrandis, ac eciam Regiis prohibitionibus quibus contra præmiſſa, vel aliquod præmiſſorum contrafacere vel contravenire poſſemus. Obligando nos et omnia bona noſtra, et Monaſterii noſtri ac ſucceſſores noſtros Romanæ Eccleſiæ et Terræ Sanctæ. Et ut in præmiſſis plenior ſecuritas habeatur, ſponte promittimus et vobemus, dare pro Subſidio Terræ Sanctæ quinquaginta libras pro ſingulis menſibus, quibus poſt requiſicionem prædictam defecerimus in præmiſſis. In quorum omnium teſtimonium has literas noſtras ſigillo noſtro communi fecimus conſignari. Acta & data in Capitulo Monaſterii noſtri in Craſtino *Paſchæ*, Anno Domini 1286. *Et quia pro quibuſdam arduis & ſpecialibus negociis nos & regnum noſtrum* Angliæ *contingentibus, quæ de novo emerſerunt, pecunia* quamplurimum indigemus pro eiſdem negociis noſtris felicius expediendis, a præfatis Abbate et Conventu mutuo mille marcas recepimus antedictas, obligantes nos, hæredes et ſucceſſores noſtros dictis Abbati et Conventui, ac ſucceſſoribus ſuis ſub omnimodis condicionibus et pœnis in forma obligacionis ſuæ ſuperius annotata contentis, ad plenam et integram ejuſdem pecuniæ ſolucionem ſeu conſtitutionem infra duos menſes faciendam, poſtquam nos ab ejuſdem Abbate et Conventu, vel a dicto Magiſtro Giffredo, ſeu alio certo dictæ ſedis nuncio ſuper hoc fuerimus requiſiti. Promittimus eciam bona fide pro nobis hæredibus et ſucceſſoribus noſtris, quod ipſos Abbatem et Conventum, ſucceſſores ſuos, ac Monaſterium penes Dominum Papam, præfatum Magiſtrum Giffredum, et alium quemcunque certum dictæ ſedis nuncium, in omnibus caſibus et periculis quæ racione dicti mutui eiſdem quoquo modo poſſent evenire, illæſos conſervabimus et indempnes. *In cujus, &c. Teſte Rege apud* Weſtm. 25 *die* Aprilis. Pat. 14 E. 1. m. 17. De pecunia Decimæ mutuo recepta, reſpice Cedulas pendentes de eodem negocio.

Conſimiles literæ fiebant de depoſito mille marcarum in Abbacia Weſtm. *de verbo ad verbum, ut ſupra.*

Conſimiles literæ de depoſito quingentarum librarum in Prioratu de Ely *de verbo ad*

An. 14 E. 1. *verbum ut supra, excepta data literæ factæ prædicto* Giffredo, *quæ est Act. &c. in crastino* Annunciacionis Dominicæ *Anno Domini prædicto. In cujus, &c.*

Consimiles literæ fiebant de deposito quingentarum librarum in Abbacia de Burgo Sancti Petri *de verbo ad verbum ut supra, cum eadem data literæ factæ dicto* Giffredo, *Acta, &c. ut supra, die martis in Crastino* Annunc. Dominicæ *Anno Domini prædicto. In cujus, &c. Teste ut supra.*

Consimiles literæ fiebant de deposito quingentarum librarum in Abbacia de Croyland, *de verbo ad verbum ut supra.* Entred at large Ibid. m. 17. Cedula.

Consimiles literæ fiebant de deposito trescentarum Marcarum in Abbacia de Certesye, *de verbo ad verbum ut supra, exceptâ datâ, &c.*

Consimiles literæ fiebant de deposito quingentarum marcarum in Abbacia de Thorneye *de verbo ad verbum ut supra, exceptâ datâ, &c.*

Consimiles literæ fiebant de deposito mille librarum in Abbacia de Rameseye *de verbo ad verbum ut supra, excepta data ejusdem literæ, quæ est, &c. ut supra. die Martis in Crastino* Annunciationis Dominicæ, *Anno Domini prædicto.*

Consimiles literæ fiebant de deposito quingentarum librarum in Prioratu de Merton, *de verbo ad verbum ut supra, exceptâ datâ, &c.*

Consimiles literæ fiebant de deposito mille marcarum in Abbacia de Abindon, *excepta data literæ prædictæ, quæ est Act. ut supra, die Sabbati proxima post festum* Paschæ, *Anno Domini prædicto. In cujus, &c. Teste ut supra.*

Consimiles literæ fiebant de deposito quingentarum librarum in Abbacia de Oseneya, *&c. ut supra, excepta data dictæ literæ, &c. die Veneris proxima post festum* Paschæ *Anno Domini prædicto. In cujus, &c. Teste ut supra.*

To such strange, unreasonable shifts, obligations, penalties and forfeitures was the King put, to obtein the use of these Dismes for the pressing publick occasions of himself and his Realm, collected from his own Clergie and Subjects, through his favour, by the Pope and his Nuncio, (to whom he and all these Abbots and persons premised must be obliged to repay it upon 2. moneths notice.)

The King this year granted this Protection for the relief and preservation of the Abbot and Covent of *Messenden,* varying somewhat from others in the recital and grounds thereof.

Pat. 14 E. 1. m. 12. Pro Abbate & Conventu de Messenden, de domo suo commissa.

REX omnibus ad quos, &c. salutem. Cum dilecti nobis in Christo Abbas & Conventus de *Messenden.* per mozinam obium et equorum suozum, et aliis incommodis multimodis, quibus ut pro certo intelleximus super modum prægravantur, adeo depauperentur et deprimantur, quod terræ suæ pro magna parte jacent incultæ, et blada sua in eisdem vehementer defecerunt, et insuper iidem Abbas et Conventus Mercatozibus et aliis Creditozibus suis diversis in multimodis debitis teneretur, ad quorum solucionem & Domus suæ relevacionem, facultates ejusdem Domus per magnum temporis spacium sufficere non possent, absque dispersione Canonicozum Domus illius, vel feodalium suozum dilapidacione seu forte Domus ejusdem subversione totali, quod nollemus: Nos imbecillitati status ipsorum compatientes, ne hujusmodi discriminis aut depressionis periculum videatur imminere, Domum illam cum terris, redditibus, & omnibus possessionibus ac rebus aliis ad eandem Domum pertinentibus cepimus in protectionem et defensionem nostram specialem, &c. as in other protections forecited. Teste Rege apud *Westm.* 30. die *Aprilis.*

The King likewise as Supream Ordinarie and Patron of the Abbey of *Radyng* and Religious houses thereunto belonging, appointed *Ralph Breton* his Clerk to supervise the state of all their Debts, goods, issues, profits, Tenures of all their Manors and Lands, and to satisfie all their Debts out of them, and to convert them to no other use, except the necessary sustenance and support of the Monasteries, and almes due out of them,

Pat. 14 E. 1. m. 12. Cedula.

EDwardus Dei gracia Rex *Angliæ,* Dominus *Hiberniæ,* & Dux *Aquitaniæ.* Omnibus ad quos præsentes literæ pervenerint salutem. Cum nuper ad Abbaciæ de *Radyng.* relevationem & debitorum ejusdem exoneracionem, dilectum Clericum nostrum

noſtrum *Radulphum de Brocton*, ad ſupervidendum ſtatum omnium bonorum et exituum ſingulorum Abbaciæ prædictæ, et Manerii de *Leominiſtre*, et aliorum Maneriorum et reddituum ad dictam Abbaciam ſpectancium quoquo modo, et ad omnia debita dictæ Abbaciæ loci prædicti de exitibus prædictis acquietanda; Ita quod exitus illi non in alios uſus convertantur; Salvis tamen prædictis Abbati et Monachis, & familiæ neceſſariæ in prædictis Abbacia & Manerio commorantibus neceſſariis, & oneribus eleemoſinarum debitis & honeſtis, aſſignaverimus Cuſtodem; Et ne prætextu alicujus ordinacionis ſuper porcionibus Monachos prædictæ Abbaciæ contingentibus, aut aliquibus aliis ab antiquo ſeu de novo factæ debitorum Abbaciæ prædictæ exoneracio, ſeu ejuſdem relevacio quoquo modo impediatur ſeu retardetur, Volumus, quod dictus Clericus noſter contradictione et ordinacione Conventus, aut alicujus alterius non obſtantibus reſecatis per eundem Clericum noſtrum, de conſilio & voluntate Abbatis, tam in portionibus Monachorum quam in familia, & potiſſimè in ſupervenientibus expenſis ſuperfluis, tam in dicta Abbacia quam in Manerio de *Leominiſtre*, ac aliis maneriis omnibus ad dictam Abbaciam quoquo modo ſpectantibus, ad ſuſtentacionem Monachorum, & familiæ neceſſaria tantùm & honeſta, de conſilio Abbatis antedicti provideat, ordinet & diſponat; ſalvis tamen eleemoſinarum oneribus debitis & honeſtis. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte meipſo apud *Ledes* quarto die *Maii*, Anno Regni noſtri quartodecimo. *An.* 14 *E.* 1.

EDwardus Dei gratia, &c. Vic. *Hereford.* & omnibus Ballivis & fidelibus ſuis de eodem Comitatu ſalutem. Cum ad exoneracionem debitorum in quibus dilecti nobis in Chriſto Abbas & Conventus de *Radyng*, tam ratione Abbaciæ ſuæ quam manerii de *Leominiſtre* diverſis creditoribus tenentur, ad loci ejuſdem & omnium maneriorum ſuorum tam de *Leominiſtre* quam aliorum relevacionem, dilectum Clericum noſtrum *Radulphum de Brocton* aſſignaverimus Cuſtodem, ut per eundem exitus omnium maneriorum in exoneracionem debitorum, & non in uſus alios convertantur; ſalvis tamen Monachis & familiæ tam in dicta Abbacia quam in manerio de *Leominiſtre*, ac aliis maneriis ſuis commorantibus neceſſariis, & oneribus elemoſinarum & aliorum debitis & honeſtis: Vobis mandamus, quòd eidem *Radulpho* in hiis quæ cuſtodiam illam contingunt, quociens neceſſe fuerit & ab ipſo ſuper hoc fueritis requiſiti, conſulentes ſitis & auxiliantes, nullatenus ei moleſtiam, quin ordinet quod exoneracioni dictæ Domus viderit expedire, inferri permittentes. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte meipſo apud *Ledes* quarto die *Maii*, ut ſupra. Eodem modo, &c. Ibidem.

The King out of his ſpecial favour to the Scholars of the Univerſity of *Oxford*, granted their Chancellor Juriſdiction to hold plea of all perſonal actions and contracts between the Scholars and his Jews, and to impriſon, or excommunicate them, as well as others, by warrants ſent to the Sheriff, or Conſtable of the Caſtle of *Oxford*, by this Patent.

REX omnibus ad quos, &c. ſalutem. Sciatis quod conceſſimus dilectis nobis Magiſtris & Scholaribus Univerſitatis Oxon. quod ſuus Cancellarius qui pro tempore fuerit de actionibus perſonalibus et quibuſcunque contractibus initis et ineundis inter ipſos Magiſtros et Scolares, et eorum quemlibet et Judæos noſtros ibidem libere poſſit recognoſcere, et in ipſos Judæos quos ſuper hujuſmodi actionibus et contractibus convinci contigerit coram ipſo cenſuram Eccleſiaſticam ſi neceſſe fuerit exercere; Ita quod cum Judæus aliquis ſuper aliqua læſione alicui Scolari Univerſitatis prædictæ contra pacem noſtram illata, vel etiam inferenda coram Cancellario memorato fuerit legitima probacione convictus; Volumus et concedimus per præſentes, quod idem malefactor per Vicecomitem noſtrum Oxon. vel Conſtab. Caſtri noſtri ibidem, ſtatim ad denunciacionem præfati Cancellarii capiatur, et ſalvo cuſtodiatur in noſtra priſona, donec de læſione hujuſmodi læſo fuerit ſatisfactum, prout eiſdem Magiſtris et Scolaribus de læſionibus ibidem per Laicos ſibi factis per cartas progenitorum noſtrorum Regum Angliæ plenius eſt conceſſum. In cujus, &c. quamdiu nobis placuerit duraturas. Teſte Rege apud *Weſtm.* 28. die *Aprilis*. A pregnant Evidence that the King is the original fountain Pat. 14 E. 1. m. 15. Pro Magiſtris & Scolaribus Univerſitati Oxon.

An. 14 *E.* I. of all * Ecclesiastical Jurisdiction and Censures as well as Temporal, and could then enable the Vicechancellor (though a Lay-man) to exercise and inflict the same by his Patents.

* See 37 H. 8. c. 17.

There arising not long after some Controversies between the Scholars of the Universitie of *Oxford* and their Servants, and the Mayor and Townsmen, to the disturbance of the peace; the King to preserve the peace of the *University*, issued this Commission to hear and determine them:

Pat. 14 E. 1. m. 7. dorso. Pro Cancellario & Scolaribus Universitatis Oxonii, de transgr. aud. & terminandis.

REX dilectis & fidelibus suis *Nicholao de Stapelton*, *Henrico de Shotbroke*, & *Elye de Sutton* salutem. Cum dissenciones, discordiæ, & controversiæ diversæ inter Cancellarium & Scolares Universitatis *Oxon.* ex parte una, & Majorem, Ballivos, & probos homines Villæ nostræ prædictæ ex altera, & similiter inter eosdem Scolares & eorum servientes, super transgressionibus hinc inde postquam iter versus partes transmarinas jam arripuimus factis, ut dicitur, sunt subortæ, in læsionem pacis nostræ manifestam: Nos dissensiones, discordias, controversias & transgressiones prædictas cum celeritate qua convenit sedari, & de transgressionibus taliter perpetratis emendas volentes fieri competentes, assignavimus vos ad inquirendum per Sacramentum Militum & aliorum proborum & legalium hominum, tam de Villa *Oxon.* & suburbio ejusdem neutri parti suspectorum, quam de partibus adjacentibus, per quos, &c. super dissensionibus, discordiis, controversiis & transgressionibus prædictis, & aliis circumstanciis præmissa contingentibus plenius veritatem, & ad dissensiones, discordias, controversias & transgressiones illas audiend. & terminand. secundum legem et consuetudinem Regni nostri. Et ideo vobis mandamus; quod ad certos, &c. convocatis coram vobis partibus quarum interest, dissensiones, discordias, controversias & transgressiones prædictas audiatis & terminetis ibidem in forma prædicta, facturi, &c. Salvis, &c. Mandavimus enim Vicecomiti nostro *Oxon.* quod ad certos, &c. venire faciat, &c. per quos, &c. melius sciri poterit & inquiri. In cujus, &c. Teste *Edmundo* Comite *Cornubiæ* Consanguineo nostro, apud *Westm.* 28 die *Junii.*

The Pope by his Bulls having granted authoritie to the Master and Freers of the Hospital of St. *James* in the Diocesse of *Luca*, once every year to collect Almes in all Churches; the King to promote this Act of Charitie to these Mendicants, granted them this Patent to protect, assist them therein, and to arrest all false malicious Collectors of these Alms.

Pat. 14 E. 1. m. 11. Pro Attorn. Magistri & fratrum Hospitalis S. Jacobi de Alto passu.

REX Archiepiscopis, Episcopis, Abbatibus, Prioribus, & omnibus Ballivis & aliis Christi fidelibus in *Anglia*, *Hybernia* & *Wallia*, ad quos præsentes literæ pervenerint salutem. Cum Dominus Papa dilectis nobis in Christo Magistro & Fratribus Hospitalis Sancti *Jacobi* de *Alto passu Lucanensis* Diocesis duxerit indulgendum, quod semel in anno recipiantur in Ecclesiis ad colligendas elemosinas, propter quod ipsi ad loca diversa pro elemonsinis colligendis accedunt. Nos dilectum nobis in Christo fratrem *Johannem de Camera* generalem Attornatum Magistri & fratrum prædictorum, & alios attornatos quos sibi substituere voluerit, suscepimus in protectionem et defensionem nostrum specialem. Vobis Ballivis nostris præcipientes, quod si quid eis per quoscumque Clericos vel Laicos forisfactum fuerit, id eis sine dilacione faciatis emendari. Vos etiam Prælatos rogamus, quatinus cum idem frater *Johannes* aut alii prædicti Hospitalis attornati per ipsum fratrem substituti, ad loca vestra pro hujusmodi elemosinis colligendis accesserint, benigne in Ecclesiis vestris recipientes eosdem, ipsos in eisdem Ecclesiis vestris admonere populum, et elemosinas libere quærere permittatis, et eisdem *Johanni* et aliis attornatis ad hujusmodi elemosinas in vestris Diocesibus sic deputatis colligendas literas vestras convocatorias liberaliter concedere velitis. Ita quod a Deo meritum, et a nobis grates reportare debeatis speciales. Et quia intelleximus quod quidam malivoli advocantes se per Magistrum & fratres Hospitalis prædicti elemosinas colligunt & recipiunt nomine ipsorum, licet per ipsos ad hoc potestatem non habeant, nos hujusmodi maliciam reprimere cupientes, vobis Ballivis nostris præcipimus

cipimus, quod ipsos malibolos cum per vos transitum fecerint, prout rationabiliter fuerit faciendum * arrestari faciatis, donec aliud inde præceperimus, seu ipsi malivoli de hujusmodi malicia competentes emendas fecerint, prout alias in casu consimili fieri consuevit. In cujus, &c. per biennium duraturas. Teste Rege apud *Cantuariam* 9 die *Maii*.

An. 14 *E.* 1.

* False and counterfeit Collectors of Almes, were frequent, and punished with imprisonment & restitution of what they collected in that age.

The Abbot and Covent of *Hyde* being indebted in an annual summe to the Dean and Chapter of *Sarum*, the King granted them this license to alienate the advousons of two Churches to them, notwithstanding the Statute of *Mortmain*, to discharge this Debt, and for them to appropriate those Churches if they pleased.

Pat. 14 E. 1. m. 18. Pro Abbate & Conventu de Hyda Winton quod dare possint Episcopo Sarum & Capitulo ibidem, Ecclesias de Colingburn & Peveseye, &c.

REX omnibus ad quos, &c. salutem. Sciatis quod cum dilecti nobis in Christo Abbas & Conventus de *Hyda Winton.* quorum domus ex progenitorum nostrorum quondam Regum *Anglia* eleemosynis est fundata, Decano & Capitulo *Sarum* in viginti libris annuis ratione cujusdam contractus inter præfatos Abbatem & Conventum, & eosdem Decanum & Capitulum dudum initi teneantur, per quarum quidem viginti librarum annuarum solucionem status dictæ Domus plurimum est depressus; **Nos** eis in hoc, ut tenemur, subvenire volentes, **concedimus** pro nobis & hæredibus nostris, **quod dicti Abbas et Conventus Ecclesias de** *Colingburn* & *Peveseye* **patronatus eorundem infra Episcopatum** *Sarum* **situatas, dare et assignare possint** venerabili patri Episcopo *Sarum*, & præfatis Decano & Capitulo, & eorum successoribus, **vel ipsas Ecclesias ordinacioni dictorum Episcopum, Decani et Capituli submittere. Et quod ipsi de eisdem Ecclesiis libere ordinare, valeant ad relevamen ejusdem oneris, et aliorum onerum incumbencium domui supradictæ, prout secundum Deum utilitati dictæ domus de** *Hyda* **viderint expedire.** Et præfatis Episcopo, & Decano & Capitulo insuper concessimus, **quod ipsi de prædictis Ecclesiis ordinare possint in forma prædicta.** Nolentes quod idem Abbas & Conventus, seu præfati Episcopus, & Decanus & Capitulum ratione statuti nostri de terris & ten. ad manum mortuam non ponendis, per nos vel hæredes nostros occasionentur in aliquo vel graventur. In cujus, &c. Teste Rege apud *Langelej* 12 die *Aprilis*.

The King and his Royal Progenitors having for a long time till that present, used to seise all the corn, sheep, oxen, horses, cattle, silver vessels, jewels, books, treasures, and other goods and chattles of the Abbots of *Westminster*, after their deaths, by reason of the vacancy, to their own uses, and retain them as their own, to the great prejudice of the Church and succeeding Abbots, the King thereupon out of his great respect to St. *Peter*, and the reasons expressed in the Patent, granted to *Walter* the present Abbot and Covent, and their successors, that they should from thenceforth be as free as any other Church in the Realm, by his predecessors Charters; and that neither he, his Heirs nor Ministers, should seise or retain any of them to their own use, but only for the benefit of the Church and succeeding Abbot, saving his right to the profits of the Temporalties during the vacancy, as this Patent manifests.

Pat. 14 E. 1. m. 22. Pro Abbate & Conventu Westm.

REX omnibus ad quos, &c. salutem. **Cum nos et progenitores nostri dudum Reges** Angliæ, **post mortem Abbatum Ecclesiæ Sancti** Petri Westm. **ratione vacationis ejusdem Ecclesiæ, ad bladа in grangiis, oves et boves, equos et alia animalia, equitaturam, vasa argentea, jocalia, libros, thesaurum, et ad alia bona Abbatum mortuorum manum apponere, et ea quasi nostra tenere hucusque consueverimus,** in grave dampnum Ecclesiæ prædictæ & Abbatum futurorum: **Nos ob reverentiam beati** Petri, **spiritualis patroni Ecclesiæ prædictæ, et Sancti** Edwardi **Regis,** & pro * salute animæ Domini *H.* Regis patris nostri, & liberorum nostrorum quorum corpora in Ecclesia prædicta requiescunt, necnon & pro salute animæ nostræ, & animarum matris & consortis nostræ, & progenitorum & hæredum nostrorum, volentes, **quod Ecclesia prædicta sit adeo libera, sicut aliqua Ecclesia regni nostri,** Waltero **nunc Abbati et Conventui ejusdem loci, et successoribus suis concedimus, quod quotienscunque prædictam Ecclesiam per mortem, vel alio modo vacare contigerit, nos vel hæredes nostri, aut alii ministri nostri, ad hujus-**

* To which this Charter & grant availed nothing in reality.

An. 14 E. 1. modi blada, oves, boves, animalia, equitaturam, vasa, scalia, libros, thesaurum, vel alia bona Abbatum dict' Ecclesiæ mortuorum manum non apponemus, nec ea capi faciemus convertenda in usus nostros, set ea omnia convertantur et cedant in utilitatem Ecclesiæ prædictæ, et futuri Abbatis ejusdem. Salvis tamen nobis et hæredibus nostris eritibus provenientibus de portione assignata Abbatibus ibidem tempore vacationis Abbatiæ prædictæ, percipiend. eodem modo quo nos eos in vacationibus aliarum Abbatiarum et Priorasuum capere consuevimus et debemus. In cujus, &c. Teste Rege apud *Westm.* 18 die *Februarii*. Et duplicatur.

By this Patent I conceive it evident, 1. That our Kings by their antient Prerogative had the disposal of all the Goods, Chattels, Jewels, Plate, Books of Abbots and Religious persons who dyed intestate, in point of Law, (being disabled to make Wills or devise them) which were of their foundations, or held their Lands from and under them; and so of all their other Tenants dying intestate, (as I have * *formerly* evidenced out of *Glanvil*, and King *Henry* the 1. his Charter.) 2ly. That our Kings divested themselves of this Right and Prerogative, only by special Charters of grace made to Abbots and Monasteries. 3ly. That Bishops and other Ordinaries had no Jurisdiction of, or disposing power over the Chattels or Goods of intestate Abbots, much lesse of Laymen.

* Here p. 14, 91, 138, to 143.

Sanctius de Pynea (a Foreigner)* Prebend in the Church of *Suthwell*, being promoted and made Bishop of *Tripolis*, the Church thereby becoming void, the King conferred it on *Boretto de S. Quintin*, (another Alien) by reason of the Temporalties of the Archbishoprick of *York* in his hands: It being then the received Law and Custom of the Realm, That the promoting of any Foreigner, who had a Prebendary or Benefice in *England*, by the Pope or any other Foreign Prince to a Foreign Bishoprick, made his Livings in *England* void in Law, so as the King and other Patrons might present thereto, as this Record resolves.

Pat. 14 E 1. m. 21. De Præbenda data

REX caritatis intuitu dedit & concessit Magistro *Bonetto* de *Sancto Quintino* Clerico suo, Præbendam illam cum pertin. quam *Sanctius de Pynea* nuper habuit in Ecclesia *Suthwellensi*, **vacantem per promotionem ipsius** Sanctii **in Episcopum** Tripolitanum, **et ad donationem Regis spectantem, ratione Archiepiscopatus** Eborum **vacantis, et in manu Regis existentis.** Et mandatum est Capitulo *Suthwellensi*, quod eidem Magistro *Bonetto* ratione Præbendæ prædictæ, **stallum in Choro et locum in Capitulo, prout moris est, assignet.** In cujus, &c. Teste Rege apud *Westm.* 28 die *Februarii*.

Theobald de Verdun Constable of *Ireland*, constituted the Bishop of *Bath* and *Wells*, then Chancellor, his Attorney, to present to all his Churches in *England* which should fall void during his absence in *Ireland*; the first of this nature I have observed to be enrolled and exemplified by the King.

Pat. 14 E. 1. m. 9. Pro Bathonienſi & Wellenſi Epiſcopo, de Eccleſiis conferendis, &c.

REX omnibus ad quos, &c. salutem. Inspeximus literas patentes sigillo dilecti & fidelis nostri *Theobaldi de Verdun* signatas, quas idem *Theobaldus* fecit venerabili patri *Roberto Bathonienſi & Wellenſi* Episcopo, Cancellario nostro, in hæc verba: *Universis Sanctæ matris Ecclesiæ filiis presentes literas inspecturis vel audituris*, Theobaldus de Verdun **Constabularius** Hiberniæ, *salutem in Domino. Noveritis me loco meo constituisse venerabilem in Christo patrem* Robertum *permissione divina* Bathonienſem & Wellenſem *Episcopum*, **ad conferendum omnes Ecclesias ad meam donationem spectantes, quoquo jure infra regnum Regis** Angliæ, **cum eas de jure vel de facto vacare contigerit,** *quamdiu moram in partibus* Hiberniæ *me attrahere contingat. Ratum habens & gratum quicquid idem Episcopus nomine meo in premissis duxerit faciendum. In cujus rei testimonium has literas meas eidem Episcopo feci patentes. Dat. apud* Cestriam *die Sabbati proxima post festum* Exaltationis Sanctæ Crucis, *Anno Domini* 1284. In cujus, &c. Teste Rege apud *Westm.* 25 die *Maii*.

What licenses for, and Royal assents to the Elections of Bishops, Abbots, Abbesses, and restitution of their Temporalties; and what Ecclesiastical Benefices the King this year conferred in *Ireland*, these following Records inform us.

Petrus

An. 14 *E.* 1°

Pat. 14 E. 1. m. 14. De licentia eligendi.

PEtrus *Obrangill* Capellanus, nuncians Regi mortem bonæ memoriæ *Dyonisii* nuper Episcopi *Akadensis*, habet literas Regis Decano & Capitulo *Akadensi* **de licentia eligendi.** Teste Rege apud *Westm.* 29 die *Aprilis.*

Ibidem. De Temporalibus restitutis.

REX venerabili in Christo patri *S.* eadem gratia *Watresordensi* Episcopo, Justic. suo *Hibern.* salutem. Cum dilecti nobis in Christo Decanus & Capitulum *Akadense* nobis per literas suas patentes significaverunt, quod Ecclesia sua prædicta per mortem *Dyonisii* nuper Episcopi ejusdem loci, pastoris est solatio destituta, supplicantes nobis, prout moris est, **quod licentiam sibi alium eligendi in Episcopum eisdem concedere dignaremur:** Ac nos precibus eorundem Decani & Capituli in hac parte favourabiliter inclinati, licentiam illam eis duximus concedendam. Mandantes ipsis, &c. Receptis prius ab ipso Electo literis suis patentibus sigillo suo, necnon & sigillo Capituli sui consignatis, **quod hæc gratia nostra quam eidem Electo ad præsens ex mera liberalitate nostra concessimus, nobis vel hæredibus nostris non cedet in præjudicium vel exhæredationem, seu trahetur in consequenciam temporibus futuris.** In cujus, &c. Teste ut supra,

Pat. 14 E. 1. m 8 De licencia eligendi.

WAlterus de *Ardert* Canonicus Ecclesiæ Cathedralis *Arrefertensis* nuncians Regi mortem bonæ memoriæ *Johannis* nuper Episcopi ejusdem loci, habet literas Regis Decano & Capitulo Ecclesiæ prædictæ de licentia eligendi. Teste *Edmundo* Comite *Cornubiæ* Consanguineo Regis apud 28. die *Junii.*

Pat. 14 E. 1. m. 9 De licentia eligendi.

FRater *Willielmus* Canonicus Domus beatæ *Mariæ* de *Trim*, nuncians Regi mortem *Feliciæ* nuper Abbatissæ Domus beatæ *Mariæ* de *Clomardia*, habet literas Regis Priorissæ & Monialibus Abbatiæ prædictæ de licentia eligendi. Teste *Edmundo* Comite *Cornubiæ* Consanguineo Regis apud *Westm.* 25 die *Maii.*

Pat. 14 E. 1. m 9. Hibern. de temporalibus restitutis.

REX venerabili in Christo patri *S.* eadem gracia *Watresordensi* Episcopo Justiciario suo *Hiberniæ* salutem. Cum dilectæ nobis in Christo Priorissa & Moniales Domus beatæ *Mariæ* de *Clonardia* nobis per literas suas patentes significaverint, quod Ecclesia sua prædicta per mortem *Feliciæ* nuper Abbatissæ ejusdem loci, pastoris est solacio destituta; supplicantes nobis, prout moris est, quod licenciam sibi aliam eligendi in Abbatissam eisdem concedere dignaremur, ac nos precibus earundem Priorissæ & Monialium in hac parte favorabiliter inclinati, licenciam illam eis duximus concedendam; Mandantes, *&c. Receptis prius, &c. verbatim* as that *pro Episcopo* Akadensi. Teste *Edmundo* Comite *Cornubiæ* Consanguineo Regis apud *Westm.* 25 die *Maii.*

An. 15 *E.* 1.

a Spelmanni Concil. Tom. 2. p. 350, &c.

On the 12. of *May* in the year of our Lord 1287. (the 15. of King *Edward* the 1.) a *Peter Quivil* Bishop of *Exeter*, a greater *Canonist* then *Divine*, held a *Diocesan Synod* at *Exeter*, wherein he presumed (by the Archbishops example) to make and publish no lesse then 55. *Canons* and *Constitutions*, sundry of them very prejudicial to the Kings prerogative, and to the properties and Liberties of *Lay-Subjects*, lately printed at large in Sir *Henry Spelmans* Councils.

Ibid. p. 375.

I shall begin with Cap. 30. Ne Clericus Clericum coram seculari Judice conveniat. Cum nec volens nec invitus Clericus valeat Laicum constituere Judicem, inhibemus, Ne Clericus Clericum super re spirituali, aut quacunque actione personali sibi competente, vel suis, trahat in causam correctionis coram Judice seculari. *Alioquin ille qui hoc facere attentaverit*, causam perdere declaramus. *Et quamquam non suo nomine sed alieno advetitum examen Clericum trahi procuravit, nihilominus eum qui taliter in fraudem legis committit*, prædictis pœnis decrevimus involutum. Si quis vero Laicus Clericum cujuscunque gradus duxerit esse pulsandum, coram Ecclesiastico Judice eas proponat quas habere existimat occasiones. *Qui vero hujus ordinis violator extiterit*, si Clericus fuerit, grabi subjacet ultioni; Si vero Laicus puniatur (ut) violator Ecclesiasticæ liberatis, ac si in generalem Excommunicationis sententiam (qua violatores hujusmodi innodantur) incidisse publice denuntiatur. Si quis vero Laicus Clericum ad forum pertrahit seculare, super actione maxime personali, et Judex secularis Clericum coram se compellat respon-

dere

An. 14 *E.* 1. dere, vel quia non respondit ipsum grabare propter hoc præsumat; tam ipsum Judicem quam taliter pertrahentem, authoritate præsentis Synodi sacrosanctæ Excommunicationis ac specialis Interdicti sententias et generales, cæteraque remedia Ecclesiastica contra eosdem fore procedendum, nihilominus decernentes, donec grabamen hujusmodi revocaberit, et Clerico in hoc ipso satisfecerit compellantur.

By which Canon this Bishop and his Clergy endeavoured; 1. To deprive the King with his Temporal Courts and Judges of their antient undoubted Jurisdiction of all personal Actions between Clergymen themselves and their Servants, and likewise between any Laymen or Clergymen, and to appropriate or engrosse them wholly unto their Ecclesiastical Courts & Judicatures. 2ly. They most insolently encroached not only upon the priviledges and Liberties of Clergymen, in restraining them to sue or complain before any Lay Judge for personal Actions or Trespasses by any Clerks or Laymen, under penalties, but especially on all Laymen and Judges, by subjecting both of them to their special, general Excommunications and Interdicts, (as violators forsooth of the Churches Liberties) in case they presumed to sue or prosecute any Clergyman of what degree soever for any personal action or cause before any of the Kings or other Lay-Judges, or to punish any Clerks for their contempts for refusing to answer before them in such actions. A very high and daring presumption and usurpation worthy observation.

Not much unlike to this is their other Constitution, in relation to debts and distresses of Clergy men, cap. 41, & 42. worthy observation.

Ibid. p. 381, 382. Cap. 41. Ne Clerici districtioni fori, vel obligent se seculari, vel in Parcis vel Vivariis Magnatum furtum committant. *Annis singulis & diebus, mundus iste nequam, labe plus solito corripitur peccatorum, & tanto ardentius conatur inventum, quanto quis sibi congregat cumulum delictorum. Ecce enim rabies inaudita*, quorundam insurgunt filii in parentes, et ipsos nituntur subjacere servituti, per quos sunt ad vitam perpetuam regenerati, et servitute diabolica liberati; *quod apertius (patet) in Laicis*, qui Clerum et Ecclesiæ Libertates nituntur subjicere suæ ditioni, quorum temerariam audaciam resecare tenemur, potius quam sobere. Prohibemus igitur, sub pœna Excommunicationis, ne Clerici, maxime Beneficiati, pro debito propprio vel alieno, districtioni se obligent Judicis secularis, cujus obligationis prætextu Laici de facto, quanquam de jure non baleant, Clericos ad Judicia secularia pertrahant. Et sicut per Clericorum contractus nolumus quod amplius id contingat; *sic multo magis detestamur*, si propter eorum delicto id debeat evenire. Unde districte inhibemus, ne quisquam Clericorum *in Foresta Domini Regis, vel Parcis alterius cujuscunque, aut Warenna*, furtum committere venationis, *vel in stagnis, piscariis vel vivariis quorumcunque*, furtum præsumat committere. *Si quis autem Clericorum contra has Prohibitiones nostras venire præsumpserit*, siquidem in contractu, ipsum a divinis in terennium volumus manere suspensum: *si in delicto, ipso facto*, vinculum Excommunications incurrat: *& postea si monitus à Prælato suo pro gravi culpa*, ad ipsius Prælati arbitrium satisfacere non curaberit; extunc si beneficiatis fuerit, ipsum a Beneficio suo decrebimus fore pribandum. *Si vero beneficiatus non existat*, ab executione ordinum per quinquennium suspendatur. *Dicit etenim ratio, ut in quibus major reperitur culpa, in ipsos gravior exercetur vindicta.*

* Ibid, p. 382. Cap. 42. De forma liberandi Bona Clericorum à Laicis malè capta & retenta. Bona mobilia et immobilia Clericorum, sicut ipsorum personas sub protectione Ecclesiastica consistere sanctorum patrum decreta sanxerunt, ut neque Laicis de ipsis statuendi seu disponendi quicquam Ecclesiæ respiciat commodum ulla sit permissa facultas: sed quicquid fecerunt in hac parte, firmum et stabile esse non poterit, donec ab Ecclesia fuerit approbatum. Quanto minus sit eis licitum, bona Clericorum capiendi et detinendi, nemo est qui ambiget sanæ mentis. *Cum igitur Clericorum seu aliarum personarum quacunque bona* a Ballivis Magnatum, seu aliis quibuscunque capi et detineri contigerit, ab injuria propria, quod absque lassione Ecclesiasticæ libertatis posse fieri non videtur, ad eorum liberationem taliter procedi statuimus et mandamus; *ut per loci Archidiaconum vel Officialem ipsius, vel alium quem ipse assignaverit, moneantur ipsorum bonorum detentores primo, secundo, & tertio, sub testimonio trium vel quatuor Clericorum, vel saltem Laicorum, si Clericorum*

copia

copia non habeatur, per quos monitiones possint probari, si de ipsis in dubium alias revocetur, quod bona ipsa Clericis, à quibus sunt ablata, restituant indilate; *& si reddiderint, Clericos ipsos sibi fore obnoxios, quod compareant in proximo loci Capitulo adversus eos, prosecuturi actionem. Quem quidem terminum ipsis Clericis assignari præcipimus, ut querelantibus respondeant in forma juris. Si verò factis monitionibus Detentores bona ipsa restituere per biduum detrectaverint, extunc qui illud monuit,* in scriptis excommunicet detinentes, cum suis complicibus et fautoribus, qui si latam in ipsos sententiam ad hæc aliud biduum bona ipsa restituere præposuerint, locum in quo taliter bona detinentur, Ecclesiastico interdicto supponat. Et si nec robur, nec fatigatio hujusmodi adhuc sufficeat ad tantam obstinatorum malitiam compescendam, contra eorum complices et fautores per Inquisitiones legitimas et sequentes Excommunicationis sententias censuras Ecclesiasticas modis omnibus præcipimus aggrabari. Deinde hiis remediis attemptatis, (nisi ad deliberationem proficiant) sustineamus patienter ut Ecclesia non habeat quid ultra faciat, quod hiis cujus bona detenti sunt, jus suum coram seculari Judice prosequatur. *Hanc formam volumus observari, nisi Clericus Laicum feodum possideat, ratione cujus bona sua Laico feodo capi contigerit;* Nam quantum ad ipsum feodum pertinet, Clerici secularibus obnoxii sunt legibus. An. 15 E. 1.

Adhæc; quoniam ut ait beatus Gregorius, *Culpam vehementer me committere æstimo, si ea, quæ pro timore omnipotentis Dei sunt suggerenda, noluero. Et aliter, cum increpare delinquentes non vult, eos proculdubio tacendo Pastor occidit: Ut igitur valeamus cum Apostolo dicere & clamare,* Mundæ sunt manus meæ à sanguine ovium nostrorum; Silere et impunitam versutiam quorundam Laicorum, maxime Baliorum Magnatum (quæ) nostra conscientia minime nos permittit. *Ipsi etenim frequenti querela didicimus,* in tantam furoris audaciam modernis temporibus inciderunt, in quo magis contumelias, damna, et opprobria personis Ecclesiasticis et rebus eorum intulerunt, eo magis congaudent, et id potissime gloriantur; *Heu miseri infœlices & in tenebris ambulantes.* Nonne Deus pater noster est qui vos creavit? Ecclesiaque mater, quæ vos regenerabit? *Nonne in Canone Cautum reperitur,* Qui abstulit patri aut matri, & dicit, quia hoc peccatum non est, homicidii particeps est? *Ergo qui pecunias Ecclesiæ rapit, aufert, et defraudat, Homicida est. Nonne mirabilis insaniæ esse cognoscitur; Si filius patrem, discipulus Magistrum sibi subjugare conetur,* et iniquis obligationibus illum sui pœna subjicere, a quo credit non solum in terra, sed etiam in cœlis sese ligari posse et solvi? Quapropter in virtute Sanctæ Trinitatis firmiter inhibemus, ne quisquam Laicorum Clericum cujuscunque conditionis vel ordinis capere vel incarcerare præsumat, aut aliter in eum injicere manus temere aut violenter, cum scriptum sit, Nolite tangere Christos meos, & in Propheris meis nolite malignari; Quod de Prælatis Ecclesiarum et Clericis intelligimus esse dictum, (A grosse mistake, being spoken only of *Abraham, Isaac, Jacob,* their wives and families, neither of which were Prelates or Priests by order, but *Laymen,* as is evident by *Psal.* 105. 10. to 16. 2 *Chron.* 16. 10. to 23. *Gen.* 12. to 20. *Gen.* 20. 3. to 18. *c.* 26. 28, 29. *Gen.* 34. 30. *c.* 35. 3, 5. compared together) nisi pro ipsius Clerici captione (velut excommunicati) scripsimus; *sed pro crimine homicidii, aut consimili enormi delicto, capiendus fuerit, tanquam violator pacis Domini Regis Regni.* Quod si quis Clericum aliter capere, detinere, et incarcerare præsumpserit, aut in eum manus injicere violentas, ipsum, candelis accensis, pulsatis Campanis, in singulis Ecclesiis Archidiaconatus, in quo hujusmodi Sacrilegus conversatur, excommunicatum a Canone tam diu publice nuntiari, donec hanc injuriam pacis satisfecerit competenter, præcipimus, et cum nostrarum testimonio literarum ad Sedem Apostolicam venerit, absolvendus.

Item, quidam Laici proprios terminos excedentes, inter sacrum Sanctuarium et prophanum minime distinguentes; solummodo quod sacrum est a manibus Pontificum consecratum, sanctuarium appellant, dum Ecclesiam et ipsius Cimiterium Sanctuarium tantum mendaciter asseverant; *Quorum ne dum civilis verum etiam Canonica sanctio liquidò contradicit, dum inquit,* Nulli licet ignorare, omne quod à Domino consecratum, sive fuerit homo, sive animal, sive ager, vel quicquid fuerit, semel consecratur, sanctum sanctorum erit Domino, & ad jus pertinet Sacerdotum. *Propter quod inexcusabilis erit omnis,* qui a Domino et Ecclesia, cui competunt, aufert, vastat, invadit, et eripit, usque ad emendationem, Ecclesiæque satisfactionem;

* A learned Nonsequitur.

An. 15 E.1. nem, vel Sacrilegus judicetur; et si emendare noluerit, excommunicetur. Dependenda est etenim illius usurpationis contumelia, ne prædia usibus cætuum dicata, a quibusdam irruentibus verentur. Quod si quis præsumpserit, ut sacrilegus judicetur. *Hinc est quod omnes illos, qui nedum* Clericorum personas, sed res eorum mobiles, seu se mobentes intra Ecclesiam vel ipsius Cimiterium, aut in agro ad Ecclesiam pertinente, vel alibi, absque rationabili causa, rapiunt, capiunt, et abducunt, ipsis invitis quorum bona sunt; nisi celeri restitutione sibi prospererint; ut inimicos Dei et Ecclesiæ, ac sacrilegos excommunicamus, et a sanctæ matris Ecclesiæ liminibus sequestramus; necnon ad bonorum liberationem ipsorum procedi præcipimus juxta formam superius traditam, quandocunque pro eo quod Clerici aut Laicali causam spiritualem, ut puta violenta manuum injectione in Clericum (*nisi ad correctionem rebus præmissis*) vel matrimonium contrahendo, Decimis, Oblationibus, Mortuariis, læsione fidei vel juramenti, et cæteris hujusmodi, de jure vel consuetudine ad forum Ecclesiasticum pertinent, in foro Ecclesiastico fuerint prosecuti, ipsos ad forum traxerint seculare; necnon et Judex secularis, qui eos ob hoc gravare præsumpserit, nisi post trinam admonitionem a gravamine desisterit inferendo, et satisfecerit de illata injuria, consimili Excommunicationis sententia innodamus; firmiter præcipientes, ut rei judicatæ exceptionem Judices seculares admittant. Rei dico cujus cognitio ad Ecclesiasticum pertinet Judicem: et Ecclesiastici Judices similiter, cum de re judicata per Judicem secularem excipitur, admittere non postponant.

By these two last Constitutions, they endeavoured to protect and exempt the bonds, contracts, persons, goods of all Clergymen, (unless only in Criminal and capital causes) Churches, Churchyards from the Kings secular Courts, Judges, Officers, and expose all Lay persons, Officers, Judges to their Ecclesiastical Excommunications and Interdicts, who should presume to sue, arrest, or question them, as murderers, invaders of their Mother Churches priviledges, and sacrilegious persons.

I shall in the next passe to their Decree *De Testamentis*, cap. 50.

a Ibid. p. 387, 389.
b Fleta, cap. 13. Cookes 2 Instit. f. 118. b.

[a] *Statuimus ut nullus cujuscunque status aut conditionis existat* (which includes the King, as well as Lords, and Commons) *Clericum vel Laicum, liberum vel servum*, (which extends to [b] *Villaines*, as well as Servants) *de bonis quæ possidet tempore mortis*, libere testare impediat quoquo modo, sub pœna excommunicationis, quam impedientes decrevimus incurrere ipso facto, cum quantum ad ea quæ tunc possidet, liber quilibet censeatur, *sicut de hujus regni consuetudine hactenus est observatum. Quandocunque igitur sano vel ægro, libero vel servo, suum placebit condere Testamentum, statuimus*, ut pro Rectore, Vicario, vel Capellano Ecclesiæ parochialis confestim transmittat, *ut in ipsorum præsentia & duorum vel plurium fide dignorum de omnibus bonis suis mobilibus portionem suam contingentibus*, disponat pro animæ suæ salute sicut sibi placebit, et melius crediderit expedire, *uxoris & filiorum, si quis habuerit, portionibus per omnia salvis, &c. In fine autem cujuslibet Testamenti, hanc clausulam adjici volumus generalem:* Cætera omnia bona mea, sive in rebus, sive in manibus fuerint debitorum in hoc testamento non expressa, volo ut pro animæ meæ salute, per manus Executorum meorum in pios usus distribuantur; *& quod Creditoribus meis per manus eorundem similiter fit satisfactum.* Si qui vero Laicorum decesserint intestati; de bonis eorum, per locorum Ordinarios, taliter præcipimus ordinari, ut pro animæ defuncti in pios usus totaliter erogentur.

By which new Constitution this Bishop and others Ordinaries then endeavoured to usurp, 1. A new Jurisdiction to prescribe the form of all Testaments, and who should be witnesses to them, and to assign all goods, Chattels not particularly bequeathed in Testaments, to *pious uses, viz.* to erect Chantries, Monasteries, hire Priests, Monks to chaunt Masses for their Souls, to rescue them out of their imaginary purgatory fire, to enrich themselves thereby; 2ly. A Jurisdiction to dispose of all goods of Laymen dying intestate, to such *pious uses* as they should appoint, against Christs own president, and the ancient Lawes and usage of this Realm [c] *forecited.* 3ly. An authority to enable *Villains* to make Wills and Testmaments, when as by the *Lawes and Custome* of the Realm, [d] *no Villain could dispose of his goods by will, without his Lords special license*; Nor any Prelate or Abbot of the kingdome, demise or dispose of the Corn, stock, goods on the temporalties of his Bishoprick or Monastery, without the Kings special license. More-

c Here, p. 14, 15, 91, 92. 138, to 142.
d Fleta, l. 3. c. 57. Littleton Sect 177, 192. Cooks 2 Instit. f. 118, 134.

Moreover, their Constitution concerning *Mortuaries*, (a new incroachment then much oppugned) is very considerable. * Cap. 52. *De Mortuariis. Mortuariorum præstationem ex eo intelleximus* salubriter sumpsisse initium, *quod Decimis majoribus & minoribus, ac cæteris juribus Parochialibus per ignorantiam non solutis, læsis Ecclesiis præstarentur, ut talis oblivio procedens ex incuria non solventis, posset saltem, per hoc, apud districtum Judicem excusari. Et quanquam ista provisio esset aliqualiter fructuosa omnibus Christianis*; quidam tamen, vel causam hujusmodi præstationis ignorantes; vel (*quod deterius est*) de salute propria non curantes, ipsam mirabiliter subtraxerint, suam miseriam in posteros transmittentes: *quâ se nituntur modernis temporibus excusare*, quod nec ipsi nec majores eorum, hanc præstationem ullo tempore agnoverint. *O excusatio misera & infœlix, quæ dum sit in peccatis, suos ducit ad interitum excusantes. Unde sunt & alii, qui animæ suæ saluti provide consulentes*, velut devoti Ecclesiæ filii præstationem ipsam agnoscunt, sicut majores eorum hactenus cognoverunt: *Sicque contigit*, quod in una parochia solvi secundum melius averium pro defunctis, et in alia, penitus denegari. *Ut igitur à palea triticum separemus*: statuendo præcipimus, ut in parochia, in qua talis solutio fieri consuevit, nullus ab ea se valeat excusare; sed in eadem fiat præstatio uniformis, cum eadem non debeat cum universo jure censeri. *Parochianos aliarum Parochiarum monemus & hortamur in Domino, ut spiritum assumentes consilii sanioris*, tam salubrem præstationem agnoscant de cætero, et de ea satisfacere studeant sicut cæteri in futurum. *Videntur namque rabie nephanda moveri*, qui male detentis Deo et Ecclesiæ satisfacere tunc non curant, quando quod debetur sibi nequiunt amplius retinere: sed ipsius subibunt judicium, cui in hac parte judicium intulerunt. *In Parochiis vero in quibus* secundum melius averium dari hactenus consuevit, illud ligandi, donandi, assignandive in alios usus, decedentibus omnibus interdicimus facultatem. In Executores, seu alios quoscunque detentores (nisi legitime monsiti, satisfecerint Deo et Ecclesiæ de eodem) Excommunicationis sententiam præcipimus promulgari. Thus did these Prelates and Clergymen, by their own Canons and Constitutions, against the Laws and Custom of the Land, and Subjects Liberties, without consent of King or Parliament, upon frivolous, avaritious pretences, enforce the payment of *Mortuaries* by degrees upon all men, to the prejudice of the Lords of Mannors in their Heriots, and of the Executors, Wives, Children of deceased persons. *An.* 15 *E.* 1 * Ibid. p. 390.

I pretermit their Cap. 5. *De Pœnitentia.* Cap. 9. *De Ecclesiis, Capellis, & Oratoriis construendis & reparandis.* Cap. 12. *De Ecclesiarum ornamentis & eorum custodia.* Cap. 13. *Ne in Ecclesiis vel Cimiteriis earum mercata vel placita secularia teneantur*; (which no more prophaned them then their Ecclesiastical Courts, or Theeves and Murderers flying to, and residing in them as Sanctuaries, to protect themselves against publick Justice;) which they specially provide for Cap. 15. *De Immunitate Ecclesiarum personis, & rebus earum.* Cap. 27. *Ne Clerici de bonis Ecclesiasticis in solo ædificent laicali.* Cap. 42. *De Visitationibus Archidiaconorum & Procurationibus, & non visitando.* Cap. 53. *De Decimis*; wherein are several clauses intrenching upon the Kings Prerogative, or Subjects Liberties. They conclude their Constitutions Cap. 55. *De sententiis Excommunicationum*, with the general sentences and Anathemaes of Excommunication, made by *Stephen* Archbishop of *Canterbury* in the Council of *Oxford*, and of *Ottobon* the Popes Legate in the Council of *London*; decreeing, * *Has Excommunicationum sententias, sic proinde vulgatas*, necnon et nostras quas supra criminosos tulimus et rebelles, *prima Dominica in Adventu Domini, Dominica in* Septuagesima, & *Dominica proxima ante festum beati* Petri ad Vincula *intra Missarum solennia, cum major aderit Cleri & Populi multitudo*, candelis accensis, pulsatis campanis, in singulis Ecclesiis parochialibus nostræ Diœcesis per locorum Presbyteros, et per Decanum Christianitatis Exonii in prædicto festo beati Petri Cathedralis Ecclesiæ Exonii præcipimus solemniter publicari; to terrifie and subject the people to their illegal encroaching Constitutions and Censures. * Ibid. p. 394, 395.

As this Bishop and Synod thus invaded the Kings Prerogative and Subjects Liberties, by these precedent Constitutions, so they thus advanced the Supremacy and Authority of the Church and Popes of *Rome*, in point of consecrating Reliques, canonizing Saints, and granting Absolutions for some offences peculiarly reserved to Popes and Prelates.

An. 25 E. 1.

* Ibid p. 396

* Cap. 48. *De Reliquiis & veneratione Sanctorum. Nonnunquam per malos, sicut per bonos, miracula facta, Sanctorum sacra commemorat Ecclesia*; idcirco ad Sacrosanctam Romanam Ecclesiam, quæ per Dei omnipotentis gratiam, authoritate Apostoli & traditionis, * nunquam errasse probatur a tramite. *In hoc igitur est recurrendum*, et expectandum ipsius Decretum, ne quis hoc approbando, quod ipse reprobat, a Catholicis Hæreticus comprobetur. *Idcirco in Concilio generali providè novimus esse prohibitum*, Ne quis Reliquias de novo inventas, publicè venerari præsumat, nisi a Romano Pontifice prius fuerint approbatæ. Quam prohibitionem inviolatam ab omnibus præcipimus custodiri: Statuentes, ut nullus Sanctorum Reliquias venales exponat; sed nec lapides, fontes, arbores, ligna, vestes, aut res quascunque alias ut sanctas propter ficitia documenta aliqualiter veneretur, cum illud hæreticam sapere pravitatem Apostolica declarat sententia; et nulli licere putetur aliud, vel sentire, quam † Romanam Ecclesiam matrem omnium Ecclesiarum sequi voluerit et tenere. *Si qui autem contra hoc venire præsumpserit, nisi moniti suum deponent errorem*, tanquam hæreticos censemus graviter puniendos.

* *sæpius errasse*, had been truer.

† Which canoniz'd, adored false Saints, Reliques, taught forged Miracles, practised Idolatry, Symony, Bribery, Fraud, Rapine, Covetousness, Rebellion, Treason, dispensations with sacred Oaths; and yet erred not in these.

In their *Modus exigendi Confessiones*, (wherein they totally expunged the Second Commandment against the making and worshipping of Images, whereof they were then most notoriously guilty) they thus informed their Priests and Lay-people, what offences were then specially reserved to the Popes and Bishops absolutions, to whose persons, Courts they must resort for them, to their vast expence and vexation. * *Quia tamen quædam sunt peccata propter quæ debet simplex Sacerdos*, ad Papam vel Episcopum mittere pœnitentem, *ea præsenti tractatui utique duximus inserenda: ut auditis talibus mittat Sacerdos pœnitentem ad Episcopum vel ejus Pœnitentiarium, ut ipse, audito pœnitente, discernat*, utrum ad Episcopum absolutio pertineat, vel ad Papam debeat ipsum destinare. Sunt autem hi ad Papam mittendi ad absolutionem suscipiendam; *scilicet*, Percussores Clericorum vel Religiosorum, sive Clericorum, sive Laicorum, vel Laicorum, dum tamen sunt in Collegiis. *Item, Incendiarii qui domos incendunt*; Violatores Ecclesiarum, *Sortilegii & Dæmonibus immolantes; & etiam aliud quam Deum adorantes. Item*, communicantes scienter et prudenter cum Excommunicatis a Papa, et etiam ab Episcopo. *Item*, falsarii Literarum Domini Papæ, et etiam procurantes falsitatem ab alio fieri, et scienter et prudenter falsis literis utentes: (of which there were then many.) *Item, falsi testes. Item, supponens partum*; *id est, faciens alienum partum suum, ut alii exhæredentur. Item, partum suum necans, vel per injuriam suffocans. Item, tonsores monetæ. Item*, impedientes legem Domini Papæ: (whose Antimonarchical Canon Laws must not be opposed, or contradicted.) *Item*, proditor Domini sui, vel regni, vel alterius. *Item, sectans* hæreses; *id est*, hæreticus; *scilicet, qui fovet hæreticos. Item, Symoniacus*; *scilicet*, qui emit vel dat aliquid, ut habeat aliquid Spirituale, vel qui vendit Spirituale, vel etiam Spirituali annexum; vel etiam qui procurat aliud dare, ut ipse vel alius habeat aliquod Spirituale, sicut beneficium Ecclesiasticum, vel etiam Ordines. (And were not † Popes, Cardinals, Bishops, Priests most guilty of this sinne, in that, and in preceding and succeeding ages?) *Item*, raptores rerum sacrarum. *Item*, Schismaticus, *id est*, recedens ab Ecclesia Romana. *Item*, Invasores possessionum Ecclesiasticarum. *Item, adjutores Saracenorum in armis, vel aliis prohibitis. Item*, Usurarius. *Item*, Judex qui facit statuta contra libertatem Ecclesiæ, vel qui fovet talibus? (by granting Prohibitions to restrain their Usurpations.) *Item, qui suspensus divina celebravit. Item, qui enormia contra naturam committunt circa luxuriam*: (as Popes and Cardinals usually did.) *Et si forte non possit peccator induci, quod hujusmodi Episcopo vel ejus Pœnitentiario (confiteatur) adeat Episcopum Sacerdos; & exposito ei crimine, recipiat ab Episcopo potestatem absolvendi pœnitentem. Hii quidem, sicut dictum est*, mittendi sunt ad Episcopum, *ut ipse, quos absolvere poterit*, absolvat; quos vero absolvere non poterit, ad Papam mittat Episcopus absolvendos; to fill his and his Officers purses, the principal reason of the reservation of all Absolutions in these cases to himself.

† *Ad literam nihil hodie communiter faciunt Prælati nisi propter munera & retributiones data vel danda*; Alvarus Pelagius de Planctu Ecclesiæ, l. 2. Artic. 5. f. 91. *Pro pecuniis consecrant & ordinant*; *pro pecunia omnia conferuntur Sacramenta*; *Sacramenta emunt, Sacramenta vendunt: Nihil accipitur gratis, nihil datur gratis*, Ibid. Artic. 9. f. 109. *Vix credo, maximè in Hispania, quod de centum Episcopis sit unus, qui non sit Simoniacus in ordinibus & beneficiis conferendis* Ib. Artic. 20. f. 122.

This year (1288) *15 die mensis* Februarii, (after the death of Pope *Honorius* the 4th.) *Frater* Hieronimus, *de ordine Fratrum Minorum, sed Presbyter Cardinalis, in Summum Pontificem consecratur*, & Nicholaus *quartus vocatur*; whereon

a Mat Westm. p 375, 376. Platina, Onuphrius, Stella, Crespin, Balæus, Laertius Cherubinus in Nicholao 4.

Mat.

Mat. Weſtminſter thus deſcants; Frater Hieronimus Minor, eſt mundi modo Primus. *Per idem tempus* Alfonſus *Rex* Aragoniæ miſſis ad Curiam Romanam nunciis, reconciliari petivit Eccleſiæ, de his quæ per Patrem ſuum (King *Peter*) facta fuerant ſe excuſans. *An.* 15 E. 1. b Tho. Walſingham Hiſt. Angl. p. 14. Ypodigma Nuſtr. p. 72.

The Archdeacon of *Richmund* ſuſteining ſome damage by this Pope *Honorius* his appropriation of the Church of *Kircham* to the Abby of *Valle Royal*, at the Kings inſtance, he thereupon by his Letters Patents authorized and commanded the Abbot and Covent by a certain day, to purchaſe the Patronage of a Church within the Archdeaconry, of one hundred Marks or more by the year, and to annex it to the Archdeaconry in perpetuity; which they covenanted to do, and that in the mean time the Archdeacon ſhould enjoy an annual penſion from the Abbot, as this Record atteſts.

DOminus Rex volens proſpitere indempnitati Archid. *Richemund.* & Archidiaconorum ejuſdem loci qui pro tempore fuerint, **pro eo quod ex appropriatione Eccleſiæ de** *Kircham* Archidiaconatus prædicti facta viris Religioſis Abbati & Conventui de *Valle Regali* ordinis *Ciſterc. Lichefeld.* Dioceſis, **per Sanctiſſimum Papam Dominum** *Honorium* **quartum, ad inſtantiam Domini Regis memorati,** præfatus Archidiaconus & ſui ſucceſſores, dampnum & injuriam incurrere poterunt in futurum, **ordinavit et præcepit,** quod Religioſus vir Abbas prædictus, pro ſe & Conventu ſuo citra feſtum Sancti *Michaelis* proximo ſequens jus patronatus alicujus Eccleſiæ **valentis centum marcas et plus,** infra Archidiaconatum prædictum emeret, & Magiſtrum *Henricum de Newerk* ejuſdem loci Archidiaconum, vel ſuum ſucceſſorem, ſi de eo interim humanitus contigerit, **nomine ſuo et ſui Archidiaconatus, et ſucceſſorum ſuorum in eodem Archidiaconatu feoffaret, præfato Archidiaconatui perpetuis temporibus annectendæ;** unde apud *Burdegalam* octavo die *Januarii* anno regni Regis *Edwardi* 15. *Johannes* Abbas de *Valle Regali* in præſentia venerabilis patris Domini *R.* Dei gratia *Bathonienſis* & *Wellenſis* Epiſcopi, Domini Regis Cancellarii, perſonaliter conſtitutus, gratis, & **de licentia Domini Regis** recognovit pro ſe & ſuo Conventu, quod citra prædictum feſtum Sancti *Michaelis*, de jure patronatus unius Eccleſiæ infra Archidiaconatum prædictum, **valentis centum marcas et plus,** prædictum Archidiaconum & ſucceſſores ſuos infeodabit, ſibi & præfato Archidiaconatui **perpetuis temporibus annectendæ.** Quod ſi non fecerit, vult & recognovit, quod in prænotato feſto Sancti *Michaelis*, memorato Archidiacono ſolvet apud *Eborum* viginti marcas nomine annuæ penſionis eidem Archidiacono & ſucceſſoribus ſuis ſingulis annis in eiſdem terminis & loco perpetuis temporibus exſolvendas, quouſque de jure patronatus alicujus Eccleſiæ **valentiæ centum marcas et plus,** infra Archidiaconatum prædictum ipſum Archidiaconum & ſuos ſucceſſores feoffaverit, prout ſuperius eſt expreſſum. Conceſſit etiam pro ſe & ſuo Conventu, quod ad prædictam annuam penſionem **ſingulis annis prædicto Archidiacono et ſuis ſucceſſoribus,** prout dictum eſt, ſuis terminis & loco fideliter exſolvendam, per omnia bona illius Monaſterii **poſſit diſtringi,** &c. Chart. Pat & Clauſ. An. 15 E. 1 m. 2. dorſ. Pro Archidiacono Richemund.

Henry de Brancefton being elected and confirmed Biſhop of *Sarum* by the Kings and Archbiſhops aſſent, had a Writ to reſtore his Temporalties in uſual form this year.

REX dilecto ſuo *Malculmo de Harle*, cuſtodi Epiſcopatus *Sarum*, ſede vacante, ſalutem. Cum, *&c.* Et ideo vobis mandamus, quod eidem Electo Temporalia Epiſcopatus prædicti cum pertin. ſine dilatione liberetis, ſicut prædictum eſt. In cujus, &c. Teſte *Edmundo* Comite *Cornubiæ* conſanguineo Regis apud *Weſtm.* 15 die *Martii.* Pat. 15 E. 1. m. 12. De Temporalibus reſtitutis.

The King having conquered *Wales*, in the 15. year of his reign granted and confirmed to the Biſhop of *Bangor* and his ſucceſſors, all the rights, liberties, poſſeſſions and cuſtoms they had formerly uſed and enjoyed; who claiming the third part of the Tithes of all the Kings Demeſns, Mills, and Mines of Lead in *Engleſend*, the King iſſued this Writ for his enjoyment of thoſe Tithes at preſent, ſo as he ſhould be reſponſible to the King for them, if they were not juſtly due.

REX

An. 15 *E.* 1. Rot. Wallix An. 14 E. 1. usque 22. m. 9.

REX dilecto & fideli suo *Regin. de Grey*, Justic. suo *Cestr.* salutem. Cum dudum concesserimus, quantum in nobis est, venerabili patri *A. Bangorensi* Episcopo, & successoribus, **quod ipsi utantur et gaudeant pacifice et quiete eisdem juribus, libertatibus, possessionibus et consuetudinibus diu optentis, quibus idem Episcopus et prædecessores sui Episcopi dicti loci usi et gavisi fuerunt temporibus retroactis; ac idem Episcopus clamat habere debere tertiam partem Decimarum Dominicorum nostrorum, et Molendinorum nostrorum in** Englesend, **et tertiam partem Decimarum Mineræ nostræ de plumbo ibidem**; asserens se & prædecessores suos prædictos inde in plena & pacifica possessione retroactis temporibus extitisse, prout per quandam inquisitionem coram vobis inde captam evidenter apparet: Vobis mandamus, **quod præfatum Episcopum tertiam partem Decimarum prædictarum percipere et habere permittatis, juxta concessionem nostram prædictam, et tenorem inquisitionis prædictæ**; & prout idem Episcopus & prædecessores sui prædicti eam retroactis temporibus percipere & habere consueverunt, donec aliud inde præceperimus. Ita tamen, **quod idem Episcopus nobis inde respondeat, si ad nos de jure debeat pertinere.** Teste *Edmundo* Comite *Cornubiæ* consanguineo Regis apud *Westm.* 16 die *Decembris.*

What *Congedesliers*, and Royal assents to Elections to Ecclesiastical dignities and places relating to *Ireland*, the King this year granted, these Records instruct us.

Pat. 15 E. 1. m. 9. De licentia eligendi.

PRior & Conventus de Insula ordinis Sancti *Augustini Lismorensis* Diocæsis in *Hibernia*, nunciantes Regi per fratrem *Gilbertum de Insula* Concanonicum suum cessionem fratris *Petri de Insula* nuper Abbatis sui, habent literas Regis **de licentia eligendi.** Teste *Edmundo* Comite, &c. apud *Westm.* 6 die *Junii.*

Pat. 15 E. 1. m. 6. Pro Priorissa & Monialibus Abbatiæ de Pelo Portu beatæ Mariæ.

* Enrolled by it self in the same membrane.

REX Justiciario suo *Hibern.* salutem. Cum dilectæ nobis in Christo Priorissa & Moniales Abbatiæ de *Bello Portu* beatæ *Mariæ* prope *Waterford Ossorienses* Diocæsis, nobis per literas suas patentes significaverint, quod Ecclesia sua prædicta per mortem *Desideratæ le Poher*, nuper Abbatissæ ejusdem loci, pastoris est solatio destituta, supplicantes nobis prout moris est, **quod licentiam sibi eligendi in Abbatissam eisdem concedere dignaremur**; ac nos precibus earundem Priorissæ & Monialium in hac parte favorabiliter inclinati, * **licentiam illam eis duximus concedendam**: Mandantes, *&c.* Nos earundem Priorissæ & Monialium laboribus & expensis in hac parte parcere volentes ista vice, concessimus eis **de gratia nostra speciali**, & vobis dedimus potestatem, quod facta electione de futura Abbatissa, sicut prædictum est, eidem Abbatissæ **assensum Regium vice nostra præbeatis**, significantes, *&c.* (as in others forecited.) **Receptis prius ab ipsa Electa literis suis patentibus sigillo suo, necnon et sigillo Capituli sui consignatis, quod hæc gratia nostra quam eidem Electæ ad præsens ex mera liberalitate nostra concessimus, nobis vel hæredibus nostris non cedat in præjudicium vel exhæredationem, seu trahetur in consequentiam temporibus futuris.** In cujus, &c. Teste *Edmundo*, &c. apud *Westm.* 26 die *Junii.*

Pat. 15 E. 1. m. 11. Pro Priore & Conventu de Kenles.

REX Justiciario suo *Hiberniæ*, salutem. Cum dilecti nobis in Christo Prior & Conventus Monasterii Sanctæ *Mariæ* de *Kenles* in *Midia*, de licentia nostra prout moris est, dilectum nobis in Christo fratrem *Angelicum* Concanonicum suum in Abbatem suum elegerint, **cui Regium assensum prius adhibuimus et favorem**: Nos eorundem Prioris & Conventus laboribus & expensis in hac parte parcere volentes ista vice, volumus & vobis damus potestatem, *&c.* (as in the former.) **Receptis tamen prius ab ipso Electo literis suis patentibus sigillo suo, necnon et sigillo Capituli sui consignatis, quod hæc gratia nostra quam eidem Electo ad præsens ex mera liberalitate nostra concessimus, nobis vel hæredibus nostris non cedat in præjudicium vel exhæredationem, seu trahatur in consequentiam temporibus futuris.** In cujus, &c. Teste *Edmundo* Comite *Cornubiæ* consanguineo Regis apud *Westm.* 6 die *Maii.*

King

King *Edward* the 1. in the 16 year of his reign going into *Aragon*, *in* Bierna Oloracensi *Civitate Reges* Angliæ & Aragoniæ *convenerunt super liberatione* Caroli *Principis* Saliternæ *cognati Regis* Angliæ, *tractatum diligentem habentes, qui conditionaliter fuit liberatus sub hac forma*; viz. *quod data Regi* Arragoniæ *certa summa pecuniæ, ipse* Carolus a Domino Papa pacem Arragonensibus impetraret, *quam si infra terminum limitatum impetrare non posset, rediret ad carcerem. Quibus conditionibus* juramento firmatis, Carolus *tradere debebat tres filios & alios milites nobiles quadraginta, pro quibus quousque venirent, Rex* Angliæ *liberationem* Caroli *accelerans, nobiles viros qui secum erant obsides tradidit, & pecuniam usque ad triginta millia librarum persolvit*; pro cujus detentione Rex Arragonum vinculis ligabatur Excommunicationis. *Sed in hac convocatione Regum duorum*, per Legatum ad hoc specialiter destinatum absolutionis gratiam meruit obtinere. Prince *Charles* being thus released by our King *Edwards* procurement, most perfidiously by the (Popes encouragement) *in vigilia S.* Johannis Baptistæ *decem millia* Francorum *militum aliorumque virorum fortium, quibus præfuit Comes* Atrabicensis, *cum navibus & galeis* Siciliam *ingredi nitebatur, sed dicti Regis* Arragonum *satellites in piratis pro magna parte dictam multitudinem submerserunt, quosdam verò vivos ceperunt, & eos in carceribus recluserunt*: After which *Charles* himself, instead of performing his Oath and Covenant, a juramento suo execranda et detestabili auctoritate Nicholai *quarti Papæ* postea absolutus, regnum Siciliæ contra fidem et religionem invasit atque tenuit. Which *Walsingham* thus relates; Carolus *Princeps* Achaiæ, (An. 1291.) Romam *veniens*, per Papam Nicholaum a juramento Regi Arragoniæ præstito absolbitur, et in Regum Siciliæ coronatur. Such countenancers, fomenters of grossest perjuries, and breaches of Solemn Leagues, Covenants, were these Antichristian holy Fathers of *Rome* in that age, worthy to be had in perpetual execration.

An. 16 *E.* 1.

a Tho. Walsingham Hist. Angl. Anno 1289. p. 15. Ypodigma Neustriæ p. 72. Mat. Westm. p. 370, 375.

b Mat. West. p. 375. Polyd. Virgil Hist. Angl l. 17. p. 326 Walsingham Hist. p. 15 Math. Parker Antiq. Eccles. Brit. p. 206.

King *Edward* after this release of his Cozen *Charles* returning from *Aragon* into *Gascoigne apud* Blankleforth *in* Vasconia *juxta* Burdegalem, *post convalescentiam de gravi infirmitate*, Cruce-signatur, cum copiosa hominum multitudine, et Christianorum exercitus Capitaneus est effectus per Legatum Romanæ Curiæ ad hoc missum; Quique Judæos omnes tanquam Crucis hostes expulit de Wasconia, et aliis terris suis universis quas in Regno Franciæ possidebat; and soon after banished them out of *England*, but was hindred from his voyage to the Holy Land by his wars with the *French*, *Welsh*, and *Scots*.

c Mat. Westm p. 374, 375, 376. Walsingham Hist. p. 15. Henr. de Knyghton, de Eventibus Angl. l. 3. c. 1, 2. col. 2466, 2468.

What arrears of annual Pensions the King issued to the Popes Cardinals and Notaries this year, to promote his affairs, these Records relate.

Liberate 16 E. 1. m. 2. Pro D. Matthæo S. Mariæ in Portica Cardinali.

REX Thesaur. & Camerariis suis. Liberate de Thesauro nostro venerabili patri Domino *Matthæo* Sanctæ *Mariæ* in *Portica* Cardinali Centum et quinquaginta marcas, videlicet sexaginta marcas de terminis *Paschæ* & Sancti *Michaelis* anno Regni nostri quartodecimo, & triginta marcas de terminis *Paschæ* & Sancti *Michaelis* anno Regni nostri quintodecimo, & triginta marcas de termino *Paschæ* anno Regni nostri sextodecimo, de annuo feodo suo sexaginta marcarum quod ei concessimus percipiendum ad Scaccarium nostrum. Teste Comite ut supra. Per breve de Privato Sigillo.

Ibidem. m. 2. Pro Magistro Berardo de Neapoli Domini Papæ Notario.

REX Thesaurario & Camerariis suis salutem. Liberate de Thesauro nostro dilecto Clerico nostro Magistro *Berardo de Neapoli* Domini Papæ Notario sexies viginti marcas, videlicet quadraginta marcas de termino Sancti *Michaelis* anno Regni nostri quartodecimo, & quater viginti marcas de terminis *Paschæ* & Sancti *Michaelis* anno Regni nostri quintodecimo, quæ ei arretro sunt de annuo feodo suo quater viginti marcarum, quod de nobis percipit ad Scaccarium nostrum. Teste *Edmundo*, &c. apud *Westm.* 25 die *Octobris*.

What Account the King had of the Subsidie granted him by the Clergie in the Province of *Canterbury*, and within *Lincolne* Diocesse, this Record will inform us.

Pat. 16 E. 1. m. prima. Pro Episcopo Lincolniensi de Vicesima.

REX omnibus ad quos, &c. salutem. Inspeximus literas patentes dilecti nobis in Christo Magistri *Radulphi de Ivingho* Cancellarii Ecclesiæ Sancti *Pauli Lon-*

don.

An. 16 *E.* 1. *don.* ad audiendum & recipiendum compotum Collectorum Vicesimæ nobis à Clero totius provinciæ *Cantuariensis* concessæ assignati in hæc verba. Omnibus Christi fidelibus ad quos præsentes literæ pervenerint *Radulphus de Ivingho* Cancellarius Ecclesiæ Sancti *Pauli London.* ad audiendum & recipiendum compotum Collectorum Vicesimæ Domino Edwardo Regi Angliæ illustri a Clero totius provinciæ Cantuariensis per biennium concessæ deputatus, salutem in Domino. Sciatis quod venerabilis pater Dominus *Oliverus Lincolniensis* Episcopus qui in se assumpserat onus collectionis Vicesimæ biennalis prædicto Domino Regi in Episcopatu *Lincolniensi* à Clero concessæ, die Martis in crastino Sanctæ *Lucæ* Evangelistæ anno regni Regis prædicti sextodecimo, per Dominum *Willielmum de Sticketon* Clericum suum ad hoc per ipsum Episcopum assignatum nobis reddi fecit plenariè compotum finalem de tota prædicta Vicesima biennali Episcopatus prædicti, per quem quidem compotum comperimus expressè summam totius vicesimæ prædictæ se extendere ad mille quadringentas quaterbiginti decem et novem libras, novem denarios et quadrantem, & non ultra; excepta Vicesima contingente præbendas Ecclesiæ Lincolniensis, et Ecclesias ab antiquo ad communiam Canonicorum ejusdem Ecclesiæ spectantes, de quibus præbendis et Ecclesiis quo ad lebacionem et collectionem Vicesimæ earundem dictum Dominum Episcopum eronerabimus, pro eo quod Capitulum *Lincolnienſ.* de vicesima ipsum contingente nobis per se respondebit ad plenum. De summa quidem præscripta constat nobis manifestè prædictum Dom. Episcopum solvisse Domino nostro Regi prædicto ante tempus computacionis suprascriptæ Mille quadringentas tres libras, decem novem et solidos octo denarios et obolum, per unam literam acquietanciæ sub sigillo Domini Regis, & sex paria literarum acquietanciæ sub sigillo Magistri *Thomæ de Brodestrete* Rectoris Ecclesiæ de *Tollesbir. London.* Diocesis ad recipiendum Vicesimam totius provinciæ *Cantuariensis* specialiter à Domino nostro Rege prædicto deputati, quas literas omnes & singulas tam Domini Regis quam Magistri *Thomæ* prædicti ex tradicione & liberacione prædicti Domini *Willielmi* penes nos recepimus & habemus. Allocavimus eciam præfato Domino Episcopo, tam pro Ecclesiis exemptorum quam ex aliis racionibus diversis coram nobis in prædicto compoto per *Willielmum* prætactum propositis, sicut apparet per particulas in serie compoti suprataeti, quaterviginti & octo libras sexdecim solidos quatuor denarios obolum & quadrantem. Post præscriptas verò soluciones & allocantias ac compotum finalem Vicesimæ auditum recepimus à præfato Domino Episcopo per manus antedicti *Willielmi* nomina quorundam Rectorum qui Vicesimam Ecclesiarum suarum nondum ad plenum solverant, nobis liberata pro sex libris quatuor solidis & octo denariis, de quibus sex libris quatuor solidis & octo denariis levandis & prædicto Domino Regi solvendis nosmetipsos oneravimus, sæpedictum Episcopum exinde penitus exonerando. Et sic eundem Dominum Episcopum à tota collectione prædictæ Vicesimæ suæ Diocesis & omnibus suis circumstanciis totaliter quietamus, & erga prædictum Dominum Regem & omnes alios tenore præsentium quietabimus in æternum. In cujus rei testimonium hanc nostram literam fieri fecimus patentem sigillo nostro majori consignatam. Dat. *London.* die Martis in Crastino Sancti *Lucæ* Evangelistæ, Anno Domini 1288. & Anno Domini Regis prædicti suprascripto. Nos igitur præmissa acceptantes eundem Episcopum inde quantum in nobis est tenore præsencium quietamus. In cujus, &c. Teste *Edmundo* Comite *Cornubiæ* Consanguineo Regis apud *Westm.* 8. die *Novembris.*

Ibidem. Pro eodem Quintadecima.

REX omnibus ad quos, &c. salutem. Inspeximus literas patentes dilecti nobis Magistri *Radulfi de Ivingho* Cancellarii Ecclesiæ Sancti *Pauli London.* ad audiendum & recipiendum compotum Collectorum Quintædecimæ nobis à Clero tocius provinciæ *Cantuariensis* concessæ assignati in hæc verba. Omnibus Christi fidelibus ad quos præsentes literæ pervenerint, *Radulphus de Ivingho* Cancellarius Ecclesiæ Sancti *Pauli, &c.* ad audiendum & recipiendum compotum Collectorum Quintædecimæ Domino *Edwardo* Regi *Angliæ* illustri à Clero tocius provinciæ *Cantuariensis* per triennium concessæ deputatus, salutem in Domino. Sciatis quod venerabilis pater Dominus *O. Lincolniensis* Episcopus onus collectionis Quintædecimæ triennalis prædicto Domino Regi in Episcopatu *Lincolniensi* à Clero concessæ, die Veneris proxima post festum Sancti *Dionysii* Martyris, anno regni Regis

sexto-

sextodecimo, per Dominum *Willielmum de Stoketon* Clericum suum ad hoc per ipsum Episcopum assignatum, nobis reddi fecit plenariè compotum finalem de tota prædicta Quintadecima triennali Episcopatus prædicti. Per quem compotum comperimus expresse summam totius prædictæ Quintædecimæ se extendere ad duo millia nongentas, quaterviginti decem et octo libras, decem et octo denaries et obolum et non ultra, excepta Quintadecima contingente præbendas Ecclesiæ *Lincolnienſis* et Ecclesias ab antiquo ad communam Canonicorum ejusdem Ecclesiæ spectantes. De quibus Præbendis & Ecclesiis quoad levacionem & collectionem Quintædecimæ earundem, dictum Dominum Episcopum exoneravimus, pro eo quod Capitulum *Lincolnienſe* de Quintadecima ipsum contingente nobis per se respondebit ad plenum. De summâ quidem præscriptâ constat nobis manifestè prædictum Dominum Episcopum solvisse Domino nostro Regi prædicto ante tempus computacionis supradictæ duo millia octingentas undecim libras duos solidos et novem denarios per septem paria literarum acquietanciæ sub sigillo Domini Regis, & tria paria literarum acquietanciæ sub sigillo nostro quo specialiter pro arreragiis Quintædecimæ utimur & utebamur, quas literas omnes & singulas tam Domini Regis quam nostras ex tradicione & liberacione prædicti Domini *Willielmi* penes nos recepimus & habemus. Allocavimus eciam præfato Domino Episcopo tam pro Ecclesiis exemptorum quam ex aliis racionibus diversis coram nobis in prædicto compoto per *Willielmum* prætactum propositis, sicut per particulas in serie compoti supratacti Centum sexaginta decem libras & octo denarios & obolum. Post præscriptas verò soluciones & allocancias ac compotum finalem Quintædecimæ auditum, recepimus à præfato Domino Episcopo per manus antedicti *Willielmi* in pecunia numerata, octo libras, quatuordecim solidos, & quatuor denarios obolum & quadrantem. Recepimus etiam per manus ejusdem *Willielmi* in quibusdam nominibus quorundam Rectorum qui Quintam Decimam Ecclesiarum suarum nondum ad plenum solverant, nobis liberavit octo libras, duos solidos, decem denarios & quadrantem. De quibus octo libris, duobus solidis, decem denariis & quadrante levandis, & prædicto Domino Regi solvendis nosmetipsos oneravimus, sæpedictum Episcopum exinde penitus exonerandi, & sic eundem Dominum Episcopum de tota collectione prædictæ Quinædecimæ suæ Diocesis in omnibus suis circumstanciis totaliter quietamus, & erga prædictum Dominum Regem & omnes alios tenore præsentium quietabimus in æternum. In cujus rei testimonium hanc nostram literam fieri fecimus patentem sigillo nostro majori consignetam. Dat. *Londini* die Martis in Crastino Sancti *Luce* Evangelistæ, Anno Domini 1288. & Domini Regis prædicti anno supradicto. Nos igitur præmissa acceptantes, eundem Episcopum inde quantum in nobis est tenore præsencium quietamus. In cujus, &c. Teste, &c. ut supra. A good president both for Accounts and acquittances in such cases.

An. 16 *E.* 1.

This year *Gilbert. de Sancto Leofardo* (commended by * *Mat. Westminster* and *Godwin* in his Catalogue of Bishops) was elected, and confirmed Bishop of *Chichester* by the Kings royal assent, as this Writ for restoring his Temporalties assures us.

* Anno 1305, p. 456. Godwins Catal. p. 387.

REX dilecto Clerico suo *Malculmo de Harle* Custodi Episcopatus *Ciceſtrenſis* sede vacante salutem. Cum venerabilis pater *J. Cantuarienſis* Archiepiscopus totius *Angliæ* Primas electionem nuper celebratum in Cathedrali Ecclesiæ *Ciceſtriæ* de discreto viro Magistro *Gilberto de Sancto Leofardo* Thesaurario ejusdem Ecclesiæ in Episcopum loci, cui prius Regium assensum adhibuimus et favorem, confirmaverit, sicut per literas patentes ipsius Archiepiscopi nobis inde directas accepimus; Nos confirmacionem illam acceptantes, cepimus fidelitatem ipsius Electi, & temporalia Episcopatus prædicti, prout moris est, restituimus eidem. Et ideo vobis mandamus, quod eidem Electo temporalia Episcopatus prædicti cum pertin. sine dilacione liberetis, sicut prædictum est. In cujus, &c. Teste *Edmundo* apud *Westm.* 24 die *Junii*.

Et mandatum est Militibus, &c. In cujus, &c. Teste ut supra.

Pat. 16 E. 1. m. 10. De Temporalibus restitutis.

The King granted this Protection to the Abbot and Covent of *Ryevall*, upon these grounds therein expressed.

An. 16 *E.* I.

Pat. 16 E. 1. m. 14. Pro Abbate & Conventu de Ryevall, de custodia domus suæ.

REX omnibus ad quos, &c. salutem. Cum dilecti nobis in Christo Abbas & Conventus de *Ryevall.* per mortinam ovium et equorum suorum, et aliis incommodis multimodis, quibus ut pro certo intelleximus super modum prægravantur, adeo depauperentur et deprimantur, quod terræ suæ pro magna parte jacent incultæ, et blada sua in eisdem vehementer defecerunt, et insuper iidem Abbas et Conventus Mercatoribus et aliis Creditoribus suis diversis in multimodis debitis teneretur, ad quorum solucionem & Domus suæ relevacionem, facultates ejusdem Domus per magnum temporis spacium sufficere non possent, absque dispersione Canonicorum Domus illius, vel feodalium suorum dilapidacione seu forte Domus ejusdem subversione totali, quod nollemus: Nos imbecillitati status ipsorum compatientes, &c. (as in former protections of this kind.) Teste Comite &c. apud *Westm.* 28. die *Aprilis.*

a Chronica W. Thorne, cap. 29. col. 1951, 1952, 1973.

Anno Dom. 1289. there hapned this Controversie between Archbishop *Peckham* and the Abbots and Monks of St. *Augustines Canterbury*, upon this occasion: [a] *Cum Dominus* Edwardus *de partibus* Vasconiæ *in* Angliam *venisset*, *& apud Sanctum* Augustinum *hospitatus, cum Regina, filiis suis, & multis aliis in vigilia* Assumptionis, *quæ tunc* Dominica *erat*, Johannem Peckham Cantuariensem *Archiepiscopum fecit invitari, ut in festo die* Assumptionis *secum in loco illo comederet. Quo festo plures & majores Regni qui ad Regem convenerunt, interfuerunt. Quo audito,* Abbas et Conventus metuentes sibi et suæ exemptioni præjudicium generari, si Archiepiscopus veniret cum Cruce erecta, instabant multum apud Dominum Regem et suum Consilium, ne permitteret Archiepiscopum sic venire cum Cruce in libertatum suarum læsionem suique Monasterii præjudicium et grabamen: *set Rege adhuc volente ut Archiepiscopus veniret, & Archiepiscopo nolente,* nisi Cruce prævia et erecta; *præcepit Rex Cancellario, quod faceret Abbati & Conventus habere literas Archiepiscopi meliores quas sciret, & eciam literas Regis,* quod hujusmodi ingressus Archiepiscopi, seu Crucis delatio, eis non posset vel suis libertatibus in aliquo præjudicare. *Unde dicti Abbas & Conventus* non valentes resistere, nec audentes contradicere Regiæ voluntati, ne ejusdem offensam seu grabissimam læsionem incurrerent, ob majorem timorem hujus periculi annuerunt in hoc fieri beneplacitum Regis, ut intraret cum Cruce Archiepiscopali; *habitis tamen prius protestationum literis ab eodem* de salvo statu suo; *set habita maxima altercatione super forma hujusmodi inter partem Archiepiscopi & Abbatis. Petierunt interea Clerici Domini Archiepiscopi vice sua, ut sibi exhiberentur privilegia inspicienda, quibus se pars Abbatiæ defendebat,* quod Archiepiscopus non intraret. *Quod eciam Dominus* Eliensis *Episcopus & regni Cancellarius cum instantia requirebat. Ad quod pars Abbatis multis rationibus respondebat,* se non teneri de jure nec velle facere, maximè Clericis Archiepiscopi illa vice. *Ipsi tamen Episcopo quædam privilegia ut amico,* et ob reverentiam Domini Regis *in suo Capitulo monstraverunt. Et sic partibus ab invicem recedentibus, advenit Dominus* Bathoniensis *Episcopus & Regis Cancellarius, viditque privilegia prius exhibita Episcopo* Eliensi. *Quibus visis & auditis, satis eisdem Episcopis constabat evidenter,* quare Archiepiscopus ingredi non debebat. *Et cum neutra pars vellet in unam formam literarum aliquatenus consentire, dictus Dominus* Bathoniensis missus ad hoc specialiter per Regem ut in formam aliquam concordarent, *quædam panca verba de Clericorum Regis consilio apposita fierent illi formæ literarum quàm præordinaverat pars Abbatis: Et illis literis pars Abbatis causa majoris vitandi periculi* pro beneplacito regis stare consensit: *qua talis est.*

Universis Christi fidelibus ad quos præsentes literæ pervenerint, frater *Johannes* permissione divina *Cantuariensis* Ecclesiæ Minister humilis, tocius *Angliæ* Primas, salutem & pacem in Domino sempiternam. Noverit universitas vestra, quod cum nos specialiter invitati à Christianissimo Domino nostro Domino *Edwardo* Rege *Angliæ* illustri, ut cum eo essemus in prandio die festi *Assumptionis* gloriosæ Virginis *Mariæ* Anno Domini 1289. ad ipsius instantiam et rogatum Abbatem Monasterii Sancti *Augustini Cantuar.* ad *Romanam* Ecclesiam nullo medio pertinentis, in quo Dominus Rex prædictus cum suis Primoribus tunc solempniter festivabat Cruce prævia intramus. Confitemur et recognoscimus de plano, quod per hoc non intendimus nec volumus Abbati et Conventui loci ejusdem aliquod præjudicium generare,

generare, nec per hoc eorum privilegiis aut juribus nunc vel in posterum in aliquo derogare, nec nobis adquirere possessionis aliquid jurisdictionis aut juris. In cujus rei testimonium sigillum nostrum præsentibus est appensum, die, festo, & anno prædicto. *An.* 16 E. 1.

Set eas sigillare pars Archiepiscopi recusabit omnino. *Venerunt iterum ad Abbatem ex parte Archiepiscopi Archidiaconus* Cantuariensis, *Magister* Lucas *Cancellarius Archiepiscopi, & Magister* Reginaldus *de* Brandon, *simul cum Magistro* Willielmo *de* Halebergh, *& Domino* Johanne *de* Lewes, *& dixerunt Archiepiscopi nomine hujusmodi nuncium Abbati.* Salutat vos Dominus noster Archiepiscopus; & quia ut scitis Dominus Rex invitavit eum, ut comedat secum hodie in hac domo, rogat vos quatinus permittatis, ut possit venire cum decentia status sui et sine præjudicio statui vestri, quia non curat præjudicare in aliquo aut contravenire libertatibus vestris, & hoc si placet velitis sic concedere, aut versus Dominum Regem tantum facere et procurare, quatinus Rex nostrum Dominum habeat excusatum quod huc non veniat, set ut bene de Regis licentia possit in domo propria remanere. *Deliberante vero Abbate super hiis cum suo consilio & respondente,* quod voluit, licet invitus, ut oportuit in forma prætacta sicut antedixerat præceptis Regiis obedire. *Et statim missi ab* Archiepiscopo *recesserunt. Cumque hæc postmodum essent relata Domino Regi per Cancellarium suum prædictum, deliberato consilio* mandavit Rex per ipsum Cancellarium Archiepiscopo, ne veniret, set ad custum Regis ipse die extra in precio hospitio remaneret. Ex quo Archiepiscopus multum offensus, aliquaque verba comminatoria contra partem Abbatis ut dicebatur proferens, remansit sic extra in hospitio proprio, et perrexit in crastino extra villam, *Et post pauca temporis intervalla* Archidiaconus *& Commissarius* Cantuarienses *auctoritate cujusdam mandati dicti* Archiepiscopi *eis & Magistro* Aselino *directi, Abbatem apud* Sture *existentem monuerunt,* ut privilegia exhiberet proxima die juridica in Ecclesia Sancti Gregorii Cant. *juxta formam dicti mandati, illis diem & locum ad hoc eis dicti nuncii assignantes; Cujus mandati tenor,* is registred at large in [b] *William Thorne* his *Chronica:* the substance whereof was; *Privilegia sedis Apostolicæ seu jura alia & munimenta si quæ habent inspicienda exhibeant & ostendant, per quæ Ecclesias quas in proprios usus maxime de novo in Civitate & Dioceſi* Cantuariæ *habere dicuntur, tanquam appropriatas sibi valeant retinere, pensionesque percipere de diversis Ecclesiis, & decimarum portiones vel precium earundem infra limites diversarum parochiarum nostræ diocæsis quæ propriis suis reguntur Rectoribus, &c. Item, quod absurdius est, gravius & multo detestabilius,* ingressum nostrum personalem erecta Cruce prævia infra septa sui Monasterii corpora sanctorum Archiepiscoporum Cantuariensium *prædecessorum in eodem Monasterio quiescentium,* visitandi causa seu peregrinandi ibidem prout ab aliis communiter moris est, *verbumq; Dei inibi Clero & populo proponendo, quamquam sine præjudicio ipsius Monasterii Monachorumque ac privilegiorum eorundem si quæ habeant hoc facere voluerimus, & protestati sæpe fuerimus, &c.* Abbas vero Archiepiscopum suum non esse Judicem proponens, nec se teneri suo obtemperare mandato, statim ex hujusmodi grabaminibus viva voce sedem Apostolicum appellabit: *dictique Archidiaconus & Commissarius consulerunt Abbatem ut ipse sano consilio iterum sub via pacifica plenius responderet. Abbas hoc annuit;* sending first a Letter, and then resorting personally to the Archbishop at *Lambheth*; where *Salvagius* the Abbots Clerk spake thus to the Archbishop; *Domine pater reverende, Dominus Abbas qui hic est,* non venit huc coram vobis ut ad judicem, figuraque judicii, *set ut homo pacis, & tranquillitatem & pacem vestræ conscientiæ multum affectans, ostendere vobis coram Clericis vestris quæ per ipsum fuerunt ostendenda.* After which, *Dominus Abbas ex quorundam peritorum consilio rationes Archiepiscopi articulis correspondentes in scripturam provida deliberatione redigere mandavit;* the two last whereof I shall only recite. [c] *De invitatione* (Archiepiscopi) *ad missas celebrandas, quia in diebus solempnibus uti habet pallio & aliis insigniis Archiepiscopalibus,* quibus non nisi in Ecclesiis sibi commissis et subjectis uti debet: unde in Ecclesiæ Sancti Augustini missas celebrare non debet cum a sua jurisdictione constat esse exemptam. *De absolutione Monachorum, &c.* quia non habet potestatem in eos, nec eos potest absolvere, nec ligare ad prædicandum populo, *&c.* quia plus hoc convenit facere in propria Ecclesia, quam non sua. *Ad ultimum,* super Crucis delatione (the grand Controversie) hoc videtur esse jurisdictionis et subjectionis indicium; unde nos exemp-

b Col. 1951, 1952.

c Ibid. Col. 1956.

An. 16 *E.* 1. ti in locum nostrum sibi non subjectum cum hujusmodi insignis ipsum sane admittere salvo statu nostro non possumus, licet protestationem fecerit; quam quidem protestationem quasi contrario facto suo sublatam, tamen propter exemplum populi nostris immunitatibus sufficere nullatenus reputamus. *Istis responsionibus coram Archiepiscopo propositis, & quodammodo per easdem satisfactus*, a citationibus manum retraxit, et Abbas quantum ad ipsum dimissus est in pace, *die comparationis eidem nullatenus assignato.*

From this contest between this proud Archbishop and Abbot about carrying up his Crosse, I shall observe; 1. The just punishment of God upon him for *excommunicating all who should entertain or sell any victuals to the Archbishop of *Yorke* or his followers for carrying up his Cross before him within his province some few years before, when specially sent for by the King about the publike affairs of the kingdom, now retaliated with this Abbots opposing the bearing up his own Cross before him in the Monastery of St. *Augustines* even within his own Metropolis and See of *Canterbury*, when specially sent for thither to dine with the King. 2ly. His pride and obstinacie, in refusing to subscribe such a Letter as the King directed to reconcile this difference and preserve the Abbots priviledges, or to repair to the King without his Crosse born up before him; together with his spleen and malice against the Abbot and Covent for not admitting him to carry up his Crosse within their Monasterie. 3ly. The strange abuse he and other our Archbishops made in that age of that they stiled and reputed the very Crosse of Christ; which as it was an *emblem* of our [c] *Saviours loweſt humiliation*; by whose *Crosse* St. *Paul* affirmed, [f] *the world was crucified unto him, and he unto the world*; and likewise a [*] *means of Christian love, peace, unity*; yet our *Luciferian* Archbishops made, reputed it a badge, ensigne of their Metropolitical Jurisdiction, Authority, Pomp, State, causing it to be carried up in pomp before them for that end, as an emblem of their Antichristian pride and ambition; yea made it, and its carrying up before them, a cause of frequent, hot contentions, schismes: witnesse the † *manifold, high contests* between the Archbishops of *Canterbury*, *Yorke*, and the Abbots of St. *Augustines* about *crosse-bearing*, to the great disturbance of the Church, State, King, Counsil, and the reproach, scandal of Christianitie, as well as Archiepiscopacie: So farr were they from imitating the doctrine or example of our *Saviour*, or St. *Paul* in this particular.

* Here, p. 235.

c Phil. 2. 8.

f Gal. 6. 14.

* Ephes. 2. 13, 14, 15, 16. Col. 1. 20. c. 2. 14.

† See Mr. Lambards Perambulation of Kent, p. 81, to 87.

The same year, there fell out this suit between this proud Archbishop of *Canterbury*, his Officers, and this Abbot of St. *Augustines*, concerning Almes and Tithes, which occasioned Excommunications and Appeals to *Rome* about their priviledges and exemptions; thus registred by [g] *William Thorne.*

g Chronica W. Thorne, col. 1956, 1957, 1958.

Anno Domini supradicto habitus est processus contra Rectorem de Waldwarsare. *Qui Rector tam in capitulis Archidiaconi quam alibi querelam deponens contra fratrem* Martinum *tunc elemosinarium istius Ecclesiæ super occupatione quarundam Decimarum de quibusdam Hamelettis, viz.* Mendetre, Estsole, Westwold & Essele *provenientium, ipsum elemosinarium asserentem dictas Decimas & omnia jura parochialia inhabitatoribus dictorum locorum, ac præcipuè omnes oblationes & obventiones ad Ecclesiam de* Norborne *qualitercunque provenientes ad ipsum elemosinarium & vicarium ejusdem taliter simul cum cantaria spectare debere, & quod si spectant & spectabant ab antiquo pacificè, publicè, & notoriè, nec dimisisset in pace, obtenta fuit quædam litera conservatoria Decano de* Sandewico *directa; per quam præcipiebat eidem, & in virtute obedientiæ mandavit, quatenus dictum* Stephanum *Rectorem supradictum moneret legitimè, & efficaciter induceret, ut de omnibus præmissis ablatis, sæpedictis religiosis plene satisfaceret infra mensem,* inhibens eidem ne in eos vel eorum Ecclesias de cætero plus attemptet. *Quod si monitionibus & inhibitionibus suis parere contempserit*, ipso facto ab officio et beneficio idem conservatoz suspendit, *mandans eidem Decano*, quod ipsum in singulis Ecclesiis decanatus sui singulis diebus Dominicis et festivis, quousque condigne super illis satisfecerit, suspensum faceret nunciari. *Set executione ejusdem literæ ad tempus dilatâ, idem Rector pendente dilatione procuraverat ab Archidiacono quandam literam in forma communi contra omnes parochianos suos ad solvendum sibi ea quæ ab eis Elemosinarius exigebat. Et tunc auctoritate prædictæ conservatoriæ ipse S. Rector publice* diebus festivis in vicinis ibi Ecclesiis ab officio et beneficio fuit denuntiatus suspensus. Et ipse se divinis immiscuit nichilominus sic ligatus. *Interim*

terim autem impetrata fuit alia conservatoria eidem Decano directa, cujus tenor talis est. *An.* 16 *E.* I.

Abbas Eccleſiæ Sanctæ Crucis de *Waltham*, &c. Cum vos alias ad mandatum noſtrum, immo verius Apoſtolicum, *Stephanum* Rectorem de *Waltham* monueritis & induxeritis, ut dictis Abbati & Conventui Sancti *Auguſtini* ſuper majoribus & minoribus Decimis ac aliis juribus parochialibus ipſos religioſos & eorum Eccleſiam de *Nordburne* ſpectantibus & per ipſum Rectorem ablatis & invaſis plenarie ſatisfaceret infra menſem à die confectionis mandati noſtri, et quia monitionibus et inhibitionibus præmiſſis parere contempſerit, ipſum denunciaveritis eſſe ſuſpenſum. Et quia creſcente contumacia creſcere debet & pœna, vobis in virtute obedientiæ qua ſedi Apoſtolicæ tenemini, et ſub pœna coercionis canonicæ firmiter injungimus et mandamus, quatinus ſingulis diebus Dominicis et feſtivis in ſingulis Eccleſiis Decanatus veſtri inter Miſſarum ſolempnia publicetis adhuc ex habundanti, quod Rector ille de ablatis ſatisfaciat ſub pœna Excommunicationis majoris quam in hac parte ſi non paruerit extunc ut extunc in eundem Rectorem proferimus in his ſcriptis. Vobiſque injungimus et mandamus, ut poſt lapſum menſis ipſius ipſum Rectorem cum ſolempnitate præmiſſa niſi ſatisfecerit pulſatis campanis, candelis accenſis ſic Excommunicatum eſſe denuncietis, et denunciari faciatis. (Such was their animoſity, violence, abuſe of the Spiritual Sword againſt each other.)

Iſtis ſic habitis, idem Rector pro tuitione Curiæ Cantuarienſis ſedem Apoſtolicam appellavit, procurans ab officiali Curiæ Cantuariæ ſcribi et mandari eidem Decano et ſibi inhibendo, ne pendente in Curia Cantuarienſi hujuſmodi tuitorio appellationis negotio quicquam in præjudicium Rectoris appellantis attemptare faceret quo minus haberet liberam appellationis ſuæ proſecutionem; *& etiam citaret Abbatem & Conventum Sancti* Auguſtini *& Vicarium de* N. quod comparerent coram ipſo ſeu Commiſſario in Eccleſia beatæ Mariæ de Arcubus in dicto tuitionis negotio facturos et recepturos quod poſtulaverit ordo juris. *Die adveniente & Rectore prædicto per Procuratorem in Conſiſtorio de Arcubus comparente, & non parte Abbatis, poſt proclamationem, propoſuit Magiſter* Salvagius *Clericus Abbatis, non ut procurator ſed ut amicus*, quod dictus Abbas et Conventus cum ſuis ita ſunt exempti quod non debebant nec volebant ibi vel alibi coram eis ſuper aliquo reſpondere, nec etiam ſuper his privilegia ſua exhibere. *Interim autem impetrata fuit alia littera ab Abbate S.* Edmundi *conſervatore inhibitoria*, ne officialis Cantuarienſis et Decanus de Arcubus eidem Rectori de Waltham tuitionis beneficium conferrent, aut partem Abbatis contra ſua privilegia in aliquo gravarent, ſed ipſos ſecundum libertatis et exemptionis ſuæ exigentiam ab omni judiciali examine libere dimitterent, cum nullo jure vel conſuetudine poſſent in eos juriſdictionem aliquam ſeu poteſtatis exercitium abſque ſedis Apoſtolicæ ſpeciali mandato et exprefſe ad eos directo aliquatenus vendicare, quorum privilegiorum contravenientes ſine dubio per multa Romanorum Pontificum privilegia Excommunicationi aſſeruit ipſo facto ſubjacere. Whereupon at laſt they ſubmitted themſelves to Arbitrators to end this hot conteſt, ſuſpenſions and Anathemaes of one another about their Priviledges.

What licenſes to elect Biſhops, Abbots, Priors, Abbeſſes, and Royal aſſents to Elections made in *Ireland*, and reſtitution of Temporalties thereupon, iſſued from the King this year, theſe Records atteſt.

M*Auritius le Dokne* ſacriſta Eccleſiæ de *Cloven.* nuncians Regi ceſſionem venerabilis patris *Gilberti* nuper electi in Epiſcopum & Paſtorem Eccleſiæ illius, habet literas Regis Decano & Capitulo ejuſdem Eccleſiæ **de licentia eligendi.** Teſte *Edmundo*, &c. apud *Weſtm.* 12 die *Julii.* Pat. 16 E. I. m. 10. De licentia eligendi.

REX Juſticiario ſuo *Hibern.* vel ejus locum tenenti, ſalutem. Cum dilecti nobis in Chriſto Decanus & Capitulum *Artferten.* nobis per literas ſuas patentes ſignificaverint, quod Eccleſia ſua prædicta per mortem *Nicholai* nuper Epiſcopi ejuſdem loci, paſtoris eſt ſolatio deſtituta, ſupplicantes nobis prout moris eſt, **quod licentiam ſibi alium eligendi in Epiſcopum eiſdem concedere dignaremur:** Nos, &c. (as in other licenſes and Royal aſſents) Teſte *Edmundo*, &c. apud *Weſtm.* 10 die *Auguſti.* Ibid. m. 10. De aſſenſu electioni adhibito, & Temporalibus reſtitutis, &c.

Frater

An. 16 *E.* I.

Ibidem. FRater *Johannes* Canonicus Ecclesiæ Sancti *Petri* de *Clonard.* nuncians Regi resignationem *Borgonildæ* nuper electæ in Abbatissam domus Monialium de *Clonard.* habet literas Regis Prioriſſæ & Conventui Monialium ejusdem loci **de licentia eligendi.** Teste ut supra.

Pat. 16 E. 1. m. 4. De assensu electioni adhibito. REX **electioni nuper factæ** in Ecclesia Conventuali de *Clonard.* de *Burgenilda* Moniali ejusdem domus in Abbatissam illius loci, **Regium assensum adhibuit et favorem**; & hoc significatum est *Th. Midensi* Episcopo, ut quod suum est in hac parte prosequatur. Teste *Edmundo*, &c. apud *Westm.* 16 die *Octobris.*

Ibidem. De Temporalibus restitutis. REX venerabili in Christo patri *J. Dublin.* Archiepiscopo tenenti locum Justiciarii in *Hiberniæ*, salutem. Cum dilectæ nobis in Christo Prioriſſa & Moniales Abbatiæ de *Clonard. Midensis* Diocesis, de licentia nostra, prout moris est, dilectam nobis in Christo *Burgenildam* Monialem ejusdem Domus in Abbatissam suam elegerint, **cui Regium assensum prius adhibuimus et favorem:** Nos earundem Prioriſſæ & Monialium laboribus & expensis in hac parte parcere volentes ista vice, volumus & vobis damus potestatem, *&c.* **Receptis tamen prius ab eadem Electa literis suis patentibus sigillo suo, necnon et sigillo Capituli sui consignatis, quod hæc gratia nostra quam eidem Electæ ad præsens ex mera liberalitate nostra concessimus, nobis vel hæredibus nostris non cedat in præjudicium seu exhæredationem, vel trahatur in consequentiam temporibus futuris.** In cujus, &c. Teste *Edmundo*, &c. apud *Westm.* 16 die *Octobris.*

Pat. 16 E. 1. m. 4. De licentia eligendi. PRior & Conventus domus beatæ *Mariæ* de *Nonan Midensis* Diocesis, nuncians Regi resignationem fratris *Ricardi* nuper Abbatis ejusdem loci, per fratrem *Robertum* Concanonicum suum, habent literas Regis **de licentia eligendi.** Teste ut supra.

Ibidem. De assensu electioni adhibito, & Temporalibus restitutis. REX venerabili in Christo patri *J.* eadem gratia *Dublin.* Archiepiscopo tenenti locum Justiciarii in *Hibernia*, salutem. Cum dilecti nobis in Christo Prior & Conventus domus beatæ *Mariæ* de *Nonan Midensis* Diocesis, nobis per literas suas patentes significaverint, quod Ecclesia sua prædicta per resignationem fratris *Ricardi* nuper Abbatis ejusdem loci, pastoris est solatio destituta, supplicantes nobis prout moris est, **quod licentiam sibi eligendi in Abbatem eis concedere dignaremur**; ac nos precibus eorundem Prioris & Conventus in hac parte inclinati, **licentiam illam eis duximus concedendam:** Mandantes ipsis, *&c.* **Receptis prius ab eodem Electo literis suis patentibus sigillo suo, necnon et sigillo Capituli sui consignatis, quod hæc gratia nostra quam eidem Electo ad præsens ex mera liberalitate nostra concessimus, nobis vel hæredibus nostris non cedat in præjudicium vel exhæredationem, seu trahatur in consequentiam temporibus futuris.** Teste *Edmundo*, &c. apud *Westm.* 7 die *Novembris.*

Pat. 16 E. 1. m. 11. De assensu electioni adhibito, & Temporalibus restitutis, &c. REX Justiciario suo *Hibern.* vel ejus locum tenenti, salutem. Cum dilecti nobis in Christo Prior & Conventus domus beatæ *Mariæ* de *Dinelek*, nobis per literas suas patentes significaverint, quod Ecclesia sua prædicta per cessionem fratris *Nicholai* nuper Abbatis ejusdem loci, pastoris est solatio destituta, supplicantes nobis prout moris est, **quod licentiam sibi alium eligendi in Abbatem eisdem concedere dignaremur:** Nos, *&c.* Teste Comite, &c. apud *Westm.* 20 die *Julii.*

Pat. 16 E. 1. m. 15. De licentia eligendi. *Nicholaus* filius *Ricardi* Capellanus, & *Ricardus de Kemeseye*, nunciantes Regi mortem *Isoldæ de la Hide* nuper Abbatissæ domus beatæ *Mariæ* de *Hoges* juxta *Dublin.* habent literas Regis Prioriſſæ & Monialibus ejusdem domus **de licentia eligendi.** Teste Comite, &c. apud *Westm.* 15 die *Aprilis.*

An. 17 *E.* I. The next year the King gave his Royal assent to these Elections, and Confirmations of Bishops in *Ireland*, and restitution of their Temporalties.

REX

An. 17 *E.* I.

LAurencius Canonicus Eccleſiæ *Caſſalenſis*, nuncians Regi mortem *D.* quondam Archiepiſcopi ejuſdem loci, habet literas Regis Decano & Capitulo ejuſdem Eccleſiæ *Caſſalenſis* **de licentia eligendi.** Teſte Rege apud *Reylegh* 4 die *Sept.* Pat. 17 E. 1. m. 8.

NIcholaus filius *Ricardi* Præcentor Eccleſiæ *Oſſorienſis*, nuncians Regi mortem bonæ memoriæ *R.* quondam Epiſcopi ejuſdem loci, habet literas Regis directas Decano & Capitulo Eccleſiæ prædictæ **de licentia eligendi.** Teſte Rege apud *Reylegh* 5 die *Sept.* Ibidem. De licentia eligendi.

REX **electioni nuper factæ** in Eccleſia Cathedrali Sancti *Kannici Kilkenny* de Magiſtro *Michaele de Exon.* Canonico ejuſdem Eccleſiæ, **in Epiſcopum ejuſdem loci, Regium aſſenſum adhibuit et favorem.** Et hoc ſignificatum eſt *J. Dublinenſi* Archiepiſcopo, ut quod ſuum eſt in hac parte exequatur. In cujus, &c. Teſte Rege apud *Clarendon.* 2 die *Novembris.* Pat. 17 E. 1. m. 5. De aſſenſu electioni adhibito.

REX Juſtic. ſuo *Hibern.* vel ejus locum tenenti, ſalutem. Cum nos **electioni nuper factæ** in Eccleſiæ Cathedrali Sancti *Kannici Kilkenny* **Regium aſſenſum adhibuerimus et favorem,** & velimus eidem Electo propter bonum & laudabile teſtimonium, quod de ipſo perhibetur coram nobis **gratiam facere uberiorem** in hac parte, ut ſuis parcamus laboribus & expenſis, vobis mandamus, quod electione illa canonicè confirmata, **et capta nomine noſtro ab eodem Electo fidelitate** nobis debita, **ut eſt moris,** Temporalia Epiſcopatus ejuſdem ſibi liberari faciatis. **Receptis tamen prius ab eodem Electo literis patentibus ſigillo ſuo, necnon ſigillo Capituli ſui ſignatis, quod hæc noſtra gracia nobis vel hæredibus noſtris non cedet in præjudicium, nec trahetur in conſequentiam in futurum.** In cujus, &c. Teſte ut ſupra. Ibidem. De Temporalibus reſtitutis.

The King likewiſe by his Prerogative reſtored Lands he had ſeiſed in *Ireland*, given to a Nunnery there, againſt the Statute of *Mortmain*, and confirmed them to it, by this Patent.

REX omnibus, &c. Licet de communi conſilio regni noſtri providerimus, *quod non liceat viris Religioſis ſeu aliis ingredi feodum alicujus, ita quod ad* Mortuam manum *deveniat, ſine licentia noſtra & capitalis Domini de quo res illa immediatè tenetur*; volentes tamen dilectis nobis in Chriſto Prioriſſæ & Monialibus de *Taghmonlingbeg.* in *Hibernia*, **graciam facere ſpecialem** conceſſimus eis, quantum in nobis eſt, quod quaterviginti acras terræ cum pertin. in *Armacrenan.* quas ſibi adquiſiverunt de *Ricardo* filio *Rogeri*, & quas occaſione ſtatuti noſtri prædicti **capi fecimus in manum noſtram**, tenere poſſint & habere ſibi & ſucceſſoribus ſuis imperpetuum, juxta formam feofamenti eis per prædictum *Ricardum* inde facti, ſalvo jure cujuſlibet. Nolentes quod eadem Prioriſſa & Moniales, ſeu prædictus *Ricardus*, per nos vel hæredes noſtros occaſione ſtatuti prædicti inde occaſionentur in aliquo ſeu graventur. Salvis tamen capitalibus Dominis feodi illius ſerviciis inde debitis & conſuetis. In cujus, &c. Teſte Rege apud *Windeſor.* viceſimo die *Octobris.* Pat. 17 E. 1. m. 6. Pro Prioriſſa & Monialibus de Taghmonlingbeg. in Hibern.

Moſt other Religious Houſes by money or friends purchaſed the like reſtitutions, pardons, or diſpenſations for Lands purchaſed by, or given to them in *Mortmain* in that age.

The King according to cuſtom ſeiſing all the Goods, Chattels, and likewiſe the Veſſels and Church Ornaments of the Archbiſhop of *Tuam* in *Ireland*, for debts due unto him at his death, ordered the Ornaments of his Chappel to be reſtored by this Writ, to adorn the Church of *Tuam*, and that in the Kings name as his free gift.

Clauſ. 17 E. 1. m. 4. intus. Pro Decano & Capitulo Eccleſiæ Tuamenſis, de ornamentis eidem Eccleſiæ per Regem datis.

LIcet Rex prout ex conſuetudine ad ipſum in caſu conſimili pertinente, omnia **bona et catalla, ſimul cum vaſis et cæteris ornamentis Eccleſiæ quæ fuerunt** Stephani **nuper** Tuamenſis **Archiepiſcopi defuncti, capi fecerit in manum ſuam occaſione debitorum in quibus idem Archiepiſcopus Regi ad Scaccarium ſuum Dub**lin. **tenebatur die quo obiit**; Rex nichilominus velit, **ob Dei reverentiam, et animæ dicti defuncti ſalutem, ipſam Eccleſiam** Tuamenſem **ornamentis Capellæ ipſius**

An. 17 *E.* 1. ipsius Archiepiscopi ad rei memoriam decorari. Mandatum est Thesaur. & Baronibus de Scaccario *Dublin.* quod hujusmodi ornamenta ratione prædicta per ipsos Thesaur. & Barones in manum Regis capta, Decano et Capitulo ejusdem Ecclesiæ liberent, vice et nomine Regis eidem Ecclesiæ remanentibus in futurum. Teste meipso apud *Ledes*, 22 die *Augusti.*

The King having given his license and Royal assent to the elected Archbishop of *Tuam* in *Ireland*, he thereupon went to *Rome* to Pope *Nicholas* the 4th. for his confirmation and consecration; where although he was unanimously elected, yet to avoid the long delayes there used to examine such Elections, he resigned the right of his Election into the Popes hands; who thereupon conferred the Archbishoprick upon him by his own Provision and gift, sending this Bull to the King to certifie him thereof, and to desire his Royal favour to restore the Goods and Temporalties of the Archbishoprick to him, the Original whereof I rescued out of the Rubbish in the White Tower Chapple.

NICHOLAUS *Episcopus servus servorum Dei, charissimo in Christo filio Regi* Anglorum *illustri, salutem & Apostolicam benedictionem.* Divinæ gratia Majestatis acquiritur, si Ministris ejus et his præcipue, qui Pontificali dignitate sunt prædicti, pro ipsius reverentia condignus honor impenditur, et favor necessarius exhibetur. *Sane tanto plenius per hujusmodi charitatis opera, te Regi regum gratum condecet inveniri,* quanto ipse de suæ benignitatis affluentia te in Dominum multis præ esse voluit, et grandem honorum copiam tuis pedibus subjugavit. *Dudum siquidem* Tuamen. *Ecclesia per obitum bonæ memoriæ* Stephani *Archiepiscopi* Tuamen. *pastoris solatio destituta, dilecti filii Capitulum ipsius Ecclesiæ ad tractandum de futuri substitutione Prælati (prout moris est) insimul convenerunt, ac per viam compromissi in hujusmodi negotio procedentes, dilectis filiis* Johanni Majori & Concordi Magoneum *Archidiaconis,* Johanni de Alatro *Præcentori,* Nicholao de Hyndeberg *Thesaurario,* Thomæ de Watford *Cancellario,* Alano de Wellis, & Nicholao de Guarcin. *Canonicis Ecclesiæ supradictæ, providendi ea vice eidem Ecclesiæ de pastore concesserunt liberam potestatem. Qui authoritate concessionis hujusmodi dilectum filium* W. *Electum* Tuamen. *tunc Rectorem Ecclesiæ de* Athnorwy Tuamen. *Dioc.* in Tuamen. Archiepiscopum concorditer elegerunt; *dictusque* Willielmus *electioni hujusmodi de se factæ consensit.* Ac demum super hujusmodi electionis negotio de ipso factæ personaliter ad Apostolicam sedem accedens, ne prædicta Ecclesia * sub dilationis expectatione, quæ quandoque in negotiorum examinatione emergit, diutius incommoda viduitatis sentiret; omne jus, quod sibi ex electione hujusmodi competebat, sponte et libere in nostris manibus resignavit. Nos itaque hujusmodi resignatione recepta, de ordinatione ipsius Ecclesiæ solliciti cogitantes; *ac talem eidem Ecclesiæ cupientes præesse Pontificem, per quem posset salubriter gubernari,* ad personam dicti Willielmi direximus oculos mentis nostræ, *cui de literarum scientia, morum maturitate, prudentia spiritualium, temporalium providentia, & generis nobilitate laudabile testimonium perhibetur,* ipsumque Willielmum de fratrum nostrorum consilio Ecclesiæ prædictæ præfecimus in Archiepiscopum et Pastorem: *Firmam spem fiduciamque tenentes, quod eidem Ecclesiæ per suæ diligentiæ studium præservabitur à noxiis & spiritualibus, & temporalibus proficiet incrementis.* Rogamus itaque excellentiam Regiam et hortamur attente, quatenus eundem Electum pro nostra et Apostolicæ sedis reverentia, circa recuperationem bonorum et jurium ejusdem Ecclesiæ, favoris Regii præsidio prosequaris; *ut ipsius tuæ Celsitudinis fultus auxilio, in commissa sibi cura Pastoralis officii possit Deo propitio prosperari: Ac tibi exinde à Deo perennis vitæ præmium, & à nobis condigna proveniat actio gratiarum.* Dat. Romæ *apud* Sanctam Mariam majorem 6 *Non.* Maii, *Pontificatus nostri anno secundo.*

* A new Papal device, by delayes at Rome to enforce Archbishops lawfully elected, to resign their elections into his hands, that so they might receive them from their hands & authority by Papal Provisions dearly purchased.

Upon receipt whereof, the King receiving his Oath of Fealty, as he was duly elected, and one to whom he had formerly given his Royal assent, not as preferred by the Popes new Provision, issued this Writ to restore the Temporalties.

Pat. 17 E 1. m. 6 intis. De Temporalibus restituendis.

REX venerabili patri *J.* eadem gratia *Dublin.* Archiepiscopo, Justiciario suo *Hiberniæ*, vel Escaetori suo ibidem, salutem. Cum Summus Pontifex dilectum

dilectum nobis in Christo *Willielmum* Rectorem Ecclesiæ de *Athnorwy*, **electum in Archiepiscopum Ecclesiæ** *Tuamensis*, **cui prius Regium assensum adhibuimus et favorem**, ejusdem Ecclesiæ præfecerit in Archiepiscopum & Pastorem, **sicut per literas dicti Summi Pontificis Bullatas accepimus: Nos præfectionem illam acceptantes, cepimus fidelitatem ejusdem** *Willielmi*, & Temporalia Archiepiscopatus prædicti, prout moris est, restituimus eidem. Et ideo vobis mandamus, quod eidem *Willielmo* Temporalia Archiepiscopatus prædicti liberetis, sicut prædictum est. In cujus, &c. Teste Rege apud *Burgum* 29 die *Septembris*. *An.* 17 E. I.

I likewise found in the White Tower Chappel, this Original ensuing Bull of Pope *Nicholas* to the King, certifying him of his confirmation of the Election of the Abbot of *Waltham*, and consecration of him with his own hands, and thereupon imploring the Kings favour and assistance to him, in a submissive stile.

NICHOLAUS *Episcopus Servus servorum Dei, charissimo in Christo filio Regi* In Turr
Angliæ *illustri, salutem & Apostolicam benedictionem.* **Ad fovendum in cha-** London
ritatis visceribus Ecclesiarum Prælatos, eos præcipue qui Pontificali dignitate præeminent; eo te sdoctalibus nostris precibus invitamus, quo in bonorum operum erectione Celsitudinis Regalis affectum ertimamus magis promptum ac facilem invenire; *maximè cum apud Deum, cujus Prælati hujusmodi sunt Ministri, retributionis æternæ præmium, & apud homines laudis præconium acquiratur. Sane dudum Monasterium Sanctæ Crucis de* Waltham *ad* Romanam *Ecclesiam nullo medio pertinentis, ordinis Sancti* Augustini London. *Dioc. Abbatis regimine destitutum, dilecti filii Prior & Conventus ipsius Monasterii vocatis omnibus qui voluerunt, debuerunt & potuerant commodè interesse, die ad eligendum præfixa (ut moris est) convenientes in unum pro futuri substitutione Abbatis, ac per viam deliberantes procedere compromissi, in dilectos filios fratres* Robertum *tunc Canonicum*, Henricum de Templo, Baldrunum, Henricum, Richardum, Jacobum & Johannem *Canonicos ipsius Monasterii unanimiter & concorditer compromittere convenerunt, concessa eis providendi ea vice per electionem Canonicam vel postulationem concordem ipsi Monasterio de Abbate, plena & libera potestate; promittentes, quod illum in suum & dicti Monasterii Abbatem reciperent, quem iidem compromissarii de gremio ipsius Monasterii vel de seipsis eligere procurarent, sicque postmodum iidem compromissarii secedentes in partem hujusmodi compromissi diligenter forma servata, suisque votis diligenter discussis, sex ex seipsis qui erant numero septem in eundem fratrem* Robertum *unanimiter & concorditer consenserunt. Et tandem dictus frater* Henricus *suo ac eorundem compromissariorum suorum nomine, & de consensu singulorum de dicto Conventu & unanimi voluntate eundem fratrem* Robertum *in ejusdem Monasterii Abbatem elegit. Sicque postmodum idem frater* Robertus *ad eorundem Prioris & Conventus instantiam, electioni hujusmodi de se facta consensit. Verum quia postmodum præsentato nobis hujusmodi electionis decreto,* **electionem ipsam** *quam per venerabilem fratrem* B. *Episcopum* Portuens. *& dilectos filios nostros* H. *Tituli Sanctæ* Sabinæ *Presbyterum, &* Petrum *Sancti* Eustachii *Diaconum Cardinales, diligenter examinari fecimus, invenimus de eodem fratre* Roberto *utpote persona idonea Canonice celebratam, illam de prædictorum & aliorum fratrum nostrorum consilio* **confirmavimus, ipsumque in ejusdem Monasterii Abbatem præfecimus et Pastorem, et subsequenter munus benedictionis de nostris manibus sibi durimus impendendum.** *Cum itaque fili charissime* **sit virtutis opus, Ecclesias et personas Ecclesiasticas, præsertim Pontificali præditas dignitate, benigno favore prosequi, ac eas verbis et operibus pro Regis æterni gloria venerari:** *Serenitatem Regiam* **rogamus et hortamur attente,** *quatenus eundem Abbatem & Monasterium sibi commissum,* **pro nostra et Apostolicæ sedis reverentia habeas propensius commendatos.** *Ita quod idem Abbas* **tuo fultus auxilio,** *in commissa sibi cura pastoralis officii possit Deo propitio prosperari, ac tibi exinde à Deo perennis vitæ præmium,* **et a nobis condigna proveniat actio gratiarum.** *Dat.* Reate 3 *Kal.* Octobris, *Pontificatus nostri anno secundo.*

The Abbot of *Westminster* loving flesh and Venison, better then prayer, fish, and fasting, procured this grant and Writ from the King to him and his successors, for 8. Bucks every year to be taken in the Forest of *Windesore*, and brought to *Westminster*;

An. 17 *E.* 1. by the Constable of *Windesore* Castle, at the Kings cost, and there offered before the High Altar every year, as a sacrifice to the Abbot (rather then to God) for the salvation of the Kings, his Ancestors and Heirs souls, by feasting the Abbots and Monks bodies, which little conduced thereunto.

Clauſ. 17 E. 1. m. 4. intus. Pro Abbate Weſtm de octo damis annuis ſibi per Regem conceſſis, &c.

REX dilecto & fideli ſuo *Galfrido de Pycheford* Constabulario Castri ſui de *Wyndeſhore*, ſalutem. Quia per Chartam noſtram **pro ſalute animæ noſtræ, et animarum anteceſſorum et hæredum noſtrorum**, dedimus & conceſſimus, & Charta prædicta confirmavimus **Deo et Sancto** *Petro*, **et Abbati** *Weſtm.* **et ſucceſſoribus ſuis imperpetuum, octo damos ſingulis annis** capiendos in Foreſta noſtra de *Wyndeſhore*, ad cuſtum noſtrum & hæredum noſtrorum, per manum Conſtabularii de *Wyndeſhore* quicunque pro tempore fuerit Conſtabularius, **deferendos per eundem Conſtabularium uſque** *Weſtm.* **in Vigilia Sancti** *Petri* **ad Vincula.** Ita quod hii qui dictam venacionem illuc deferent, **ſingulis annis facient duas menyas ante magnum Altare Sancti** *Petri Weſtm.* Vobis mandamus, **quod prædicto Abbati octo damos in prædicta Foreſta capi et uſque** *Weſtm.* **deferri, et duas menyas ante magnum Altare fieri faciatis de anno præſenti**, ſecundum tenorem Chartæ prædictæ, ſi eos nondum habuerit per aliud breve noſtrum. Teſte meipſo apud *Ledes* 22 die *Auguſti.*

After which he procured the like Writs every year.

The Abbot of *Cluny* in *France*, and ſome others, having a purpoſe to impoſe and exact a Tax from all the Monaſteries of his Order in *England*, without the Kings conſent, to the diminution of their Almes, Divine Services, and prejudice of them and their Founders, the King thereupon iſſued this Writ, prohibiting them to pay any Tax or Contribution to the Abbot, or any other, under pain of ſeiſing all their Temporalties, till they received his further ſpecial command therein.

Pat. 17 E. 1. m. 8. Pro Prioribus & cæteris Religioſis ordinis Cluniacenſis in Anglia.

REX univerſis & ſingulis Prioribus & aliis Religioſis ordinis *Cluniacenſis* in *Anglia* ad quos, &c. ſalutem. Quia ex relatu accepimus jam quorundam, **quod quidam tallagia et contribuciones a vobis exigunt, ſeu exigere et habere proponunt vobis dictis, quæ ſi a vobis per exactiones hujuſmodi præſtarentur, manifeſte redundarent in diminucionem elemoſinarum a progenitoribus noſtris Regibus Angl. ac aliis fidelibus regni noſtri, de quorum fundacione domus veſtræ in Anglia exiſtunt conſtitutarum, necnon et ſubſtracionem divinorum obſequiorum ac depauperationem domorum earundem manifeſtam, quod ſuſtinere nolumus, ſicut nec debemus: vobis mandamus firmiter inhibentes, ne tallagia vel contribuciones quaſcunque Abbati Cluniacenſi, vel alicui alii aliquatenus præbeatis, donec a nobis ſuper hoc aliud habueritis ſpecialiter in mandatis. Et hoc ſicut omnibus quæ de nobis tenetis in regno noſtro pacifice gaudere volueritis nullatenus omittatis.** In cujus, &c. Teſte Rege apud *la Neylaunde* 15. die *Sept.*

* Page 279.

* *Francis Godwin* in his *Catalogue of Biſhops* obſerves, that from the year 1284. the See of *Salisbury* had 5. Biſhops within the ſpace of 5. years, whereof *William Comer* (as he ſtiles him) was the 4. but his name was *William de Corner*, as this Writ for reſtoring his Temporalties, together with the Patent of the Kings Royal aſſent to his election, aſſure us.

Pat. 17 E. 1. m 20. & 21. De Temporalibus reſtitutis

REX dilecto Clerico ſuo *Malcolmo de Harley*, ſalutem. Cum venerabilis pater *J. Cantuarienſis* Archiepiſcopus totius *Angliæ* Primas, electionem nuper celebratam in Eccleſia Cathedrali *Sarum*, de diſcreto viro Magiſtro *Willielmo de Corner* in Epiſcopum ejuſdem loci, **cui prius Regium aſſenſum adhibuimus et favorem**, confirmaverit, ſicut per literas patentes ipſius Archiepiſcopi nobis inde directas accepimus. **Nos confirmacionem illam acceptantes, cepimus fidelitatem ipſius Electi**, & Temporalia Epiſcopatus prædicti, prout moris eſt, reſtituimus eidem. Et ideo vobis mandamus, quod eidem Electo Temporalia Epiſcopatus prædicti cum pertin. liberetis, ſicut prædictum eſt. In cujus, &c. Teſte *Edmundo*, &c. apud *Weſtm.* 26 die *Febr.*

Et mandatum eſt Militibus, &c. In cujus, &c. Teſte ut ſupra.

What

What account the King received of the Vintiſme and Quindiſme granted him by the Clergy from the Dioceſſe of *Bath* and *Wells*, for 5. years paſt, according to the Taxation of *Norwich*, this Record will inform us. *An.* 17 *E.* I.

REX omnibus ad quos, &c. ſalutem. Inſpeximus literas patentes dilecti nobis Magiſtri *Radulphi de Ivingho* Cancellarii Eccleſiæ Sancti *Pauli London*, ad audiendum & recipiendum compotum de Quintadecima nobis per triennium, & Viceſimæ per biennium à Clero *Cantuarienſis* provinciæ conceſſis, à quibuſcunque earundem Quintædecimæ & Viceſimæ Collectoribus in eadem provincia ex ſpeciali mandato noſtro deputati, in hæc verba. Memorandum, quod undecimo Kal. *Febr.* anno gratiæ 1288. comparuit *Willielmus de Bathon.* Vicarius *Wellenſis*, ex præcepto diſcreti viri Magiſtri *Radulphi de Wikham*, venerabilis patris Domini *R.* Dei gratia *Bathon.* & *Wellen.* Epiſcopi, tunc extra regnum agentis Vicarii, coram nobis Magiſtro de *Ivingho* Cancellar. Eccleſiæ Sancti *Pauli London.* ad audiendum & recipiendum compotum de Quintadecima Domino *Edwardo* Dei gratia illuſtri Regi *Angliæ* per triennium, & Viceſima per biennium à Clero *Cantuarienſis* provinciæ conceſſis, à quibuſcunque earundem Quintædecimæ & Viceſimæ Collectoribus in eadem provincia, ex ſpeciali mandato dicti Domini Regis deputato, & ad faciendum omnia quæ dicti negotii qualitas requirit, prout in literis dicti Domini Regis nobis ſuper hoc directis plenius continetur, in hoſpicio noſtro *London.* præfato Magiſtro *Radulpho de Wikham* eiſdem die & loco perſonaliter præſente, & reddidit compotum finalem de Quintadecima & Viceſima ſupradictis Epiſcopatum *Bathon.* & *Wellen.* per quinquennium contingentibus pro dicto Domino Epiſcopo, & omnibus earundem Quintædecimæ & Viceſimæ Collectoribus in dicto Epiſcopatu per idem tempus deputatis. Et eſt ſumma æſtimationis beneficiorum dicti Epiſcopatus per triennium, **ſecundum taxationem** *Norwic.* 9363 *l.* 5 *s.* 6 *d.* **ſumma Quintædecimæ ejuſdem æſtimationis per triennium** 624 *l.* 4 *s.* 4 *d. ob.* **ſumma æſtimationis beneficiorum dicti Epiſcopatus per biennium** 6242 *l.* 3 *s.* 4 *d.* **ſumma Viceſimæ ejuſdem æſtimationis per biennium** 312 *l.* 2 *s.* 6 *d.* **ſumma totalis Quintædecimæ et Viceſimæ** 936 *l.* 6 *s.* 10 *d.* de quibus idem *Willielmus* computat in liberacionibus factis diverſis Mercatoribus ad opus Domini Regis ad mandatum ipſius, & ad Scaccarium & Garderobam ſuam per prædictos dictos Dominum Epiſcopum & Collectores, prout patet per literas dicti Domini Regis de mandato, & per literas dictorum Mercatorum de recepta, ſcilicet, per quindecim literas quas penes nos retinuimus ſuper compotum & per receptam noſtram 793 *l.* 10 *d. ob.* In acquietanciis Collectorum de beneficiis ſuis & allocationibus factis, ut patet per particulas quas penes nos habemus, 56 *l.* 14 *s.* 5 *d. ob. q.* In expenſis circa prædictam pecuniam levandam 63 *l.* 6 *s.* 4 *d.* Summa totalis liberacionis, acquietanciarum & allocacionum ac expenſarum 913 *l.* 1 *s.* 8 *d. q.* Et ſic ſunt in arreragiis 23 *l.* 5 *s.* 1 *d. ob. q.* Quæ quidem arreragia prædicti Magiſtri *Radulphus de Wikham* & *Willielmus de Bathon.* ſolvi fecerunt in compoto ad opus Domini Regis *Ricardo Guidicionis* Mercatori *Lucan.* de ſocietate *Ricardorum* per manus Domini *Willielmi de Holecote* Capellani dicti Domini Epiſcopi, prout patet per literas prædicti *Ricardi* quas penes nos una cum aliis acquietanciis retinuimus ſupradictis: Unde nos *Radulphus de Ivingho* ſupradictus auctoritate qua fungimur in hac parte pronunciamus prædictos Dominum *R.* Dei gratia *Bathon.* & *Wellen.* Epiſcopum, & omnes Collectores prædictos quietos eſſe omnino & in nullo teneri **de tota Quintadecima et Viceſima dictum Epiſcopatum**, per prædictos quinque annos contingente. Promittentes bona fide nos, omnes & ſingulas perſonas quas dictæ literæ acquietanciarum quas penes nos retinuimus ratione ſolutionis dictorum Quintædecimæ & Viceſimæ contingunt, erga Dominum Regem prædictum & quoſcunque alios ſuper retencione hujuſmodi indempnes conſervaturos. Damus etiam & committimus auctoritate prædicta prædicto *Willielmo de Bathon.* plenam poteſtatem faciendi literas acquietanciæ ſingulis perſonis à quibus recepit literas memoratas, quas habemus ſuper receptis. Ita quod præſens litera penes eum reſideat in warantum. In cujus rei teſtimonium ſigillum noſtrum præſentibus eſt appenſum. Dat. *London.* die & anno ſupradictis. Nos præmiſſa acceptantes, præfatos **Epiſcopum et Collectores**, quantum in nobis eſt, inde quietamus per præſentes. In cujus, &c. Teſte *Edmundo*, &c. apud *Wiltm.* 23 die *Januarii.*

Pat. 17 E. 1. m. 21. Philipi copo Bathon & Wellen. & Collectoribus Viceſimæ & Quintædecimæ in eodem Epiſcopatu.

An. 17 *E.* 1. The King having conquered *Wales*, out of his Royal authoritie and speciall grace confirmed all the ancient rights, Liberties, possessions and customs of the Church of *Assaph* to the present Bishop and his successors, which they formerly used and enjoyed, and that he might freely make his Testament, by these Writs.

Rot. Wallix 17 E 1. pars 2. m. 10. Pro Episcopo Assavensi.

REX omnibus ad quos, &c. salutem. Volentes venerabili patri *Aniano* Episcopo de Sancto *Assapho* optentu dilectionis quam erga personam suam gerimus graciam facere specialem, concessimus quantum in nobis est, pro nobis & hæredibus nostris eidem Episcopo & successoribus suis Ecclesiæ prædictæ, quod ipsi de cætero utantur et gaudeant pacifice et quiete eisdem juribus, libertatibus, et possessionibus et consuetudinibus diu optentis, quibus idem Episcopus et prædecessores sui Episcopi ejusdem loci usi et gabili fuerant temporibus retroactis. In cujus, &c. Teste Rege apud *Rothelan.* 9. die *Novembris.* Anno regni nostro quinto.

REX omnibus ad quos, &c. salutem. Volentes venerabili patri A. Episcopo de Sancto *Assapho* graciam facere specialem, concessimus ei pro nobis et hæredibus nostris, quod ipse cum sibi libuerit libere possit suum condere testamentum. Mandantes vobis omnibus & singulis & firmiter injungentes, quod executores testamenti ejusdem Episcopi cum ipsum contigerit expirare, minime impediatis quo minus testamentum hujusmodi debitæ executioni valeant demandare juxta ordinacionem Episcopi suprædicti. In cujus, &c. Teste Rege apud *Burd.* 17 die *Maii.*

The King by his Soveraign authoritie, to prevent the hindrance of Gods Service, and preserve the rights of the Churches in *Gascoigne* against all violations by his Subjects and Souldiers, issued this Writ to his Seneschal and other Officers there, to compell all Clerks and other persons who violated their priviledges, upon the Bishops and his Officials complaints, to yield due obedience to them, by distraining their goods and imprisoning their persons.

Rot Vascon. 17 E. 1. pars 2. m. 13. Pro Episcopo Vasatensi.

REX dilectis & fidelibus suis Seneschallo *Vascon.* & omnibus Bajulis, Præpositis in Dioceſi *Vasaten.* & alibi constitutis, ad quos, &c. salutem. Volentes retardacioni divini cultus et subditorum periculis, quæ ex violacionibus Ecclesiarum frequenter accidunt obviare, ac venerabili in Christo patri Karissimo nostro *Hugoni* Dei gracia Episcopo *Vasatensi* favorabilem nos in suis honestis peticionibus exhibere, vobis firmiter injungendo mandamus, quatinus si qui vel quis ex vestris subditis Ecclesiam vel Cimiterium in Civitate vel Dioceſi *Vasaten.* ausu temerario præsumpserit violare, et ad jussum vel monicionem ejusdem Episcopi vel Officialis sui reconciliacionem suis sumptibus contempserit vel distulerit efficaciter procurare, ad ipsius Episcopi vel suorum requisicionem violatores hujusmodi per captionem bonorum suorum vel aliter, prout videritis expedire, cum de præmissis vobis clare constiterit ad procurandum cum effectu reconciliationem, et satisfaciendum dampnum et injuriam passis, prout vobis suberint et justum fuerit sine diffugio compellatis. *Mandamus vobis eciam,* quatinus si quem vel quos Clericos Clericalem tonsuram et habitum deferentes in Civitate vel Dioceſi *Vasaten.* capere vos contingat, illos vel illum restituatis vel mittatis restituendos præfato Episcopo, vel mandato suo juxta demerita puniendos, nisi rationabile quid obsistat: non inferentes vel inferri permittentes eisdem aliquam læsionem, super hiis autem unus vestrum alium non expectet. Dat. apud *Condrum.* 4. die *Maii.*

He likewise granted this Protection to the Bishop and his Servants;

Ibidem.

REX dilectis & fidelibus suis Seneschallo *Vascon.* & omnibus aliis Bajulis, Præpositis in Dioceſi *Vasaten.* & alibi constitutis, ad quos præsentes literæ pervenerint salutem. Venerabilem in Christo patrem carissimum nostrum *Hugonem* Dei gratia *Vasatensem* Episcopum, volentes graciæ specialis prosequi benivolencia et favore; vobis firmiter injungendo mandamus, quatinus eidem Episcopo, servitoribus et nunciis suis Clericis et Laicis, in personis, bonis et juribus eorundem nullum grabamen aut molestiam inferatis, seu permittatis inferri, set in hiis protegatis

gatis et defendatis, eosdem Molestatores si qui fuerint ad ipius Episcopi vel suo- *An.* 17 *E.* 1.
rum requisicionem sic debitè compescentes, & quod forisfactum fuerit celeriter e-
mendari facientes, quod præfatus Episcopus vel sui ex hoc mandato nostro voti-
vum commodum, prout rationabile fuerit consequatur, & pro defectu protectio-
nis quem super hoc quod absit intervenerit, in vobis punire intendimus, ad nos
redire vel mittere non cogantur; super hiis autem unus vestrum alium non expectet.
Dat. *Condrum*, in Festo *Inventionis Sanctæ Crucis*, Anno, &c.

King *Edward* the 1. having by his Prerogative royal a right to collate to the prebendarie of *Nassington* in the Church of *Lincolne*, during the vacancie of the Bishoprick; which the Pope intended to conferre on some other by Provision; the King thereupon issued this memorable Prohibition to the Bishop, setting forth the ancient Right and Prerogative of the Crown alwaies used, and allowed by Popes themselves, to present to, and conferr all Præbendaries and other dignities belonging to Bishopricks during their vacancie; inhibiting him by pretext of any Letters whatsoever directed or to be directed to him, to act, constitute, ordain, or attempt any thing touching that Prebendary or any other, to the prejudice of him or his Royal Dignitie without his privitie, under pain of seising his Baronie.

REX venerabili in Christo Patri *O.* eadem gratia *Lincoln.* Episcopo salutem. Dignitas Regia et Corona *Angliæ*, ac Regni consuetudo sic sunt semper, et sic hactenus habuerunt, ut observentur in eis, quod ab antiquo usitatum, et a summis Pontificibus perpetuo est concessum, ac a tempore quo non extat memoria, eo quod sola *Angliæ* consuetudine utitur et non jure scripto, absque interruptione temporis approbatum. Ne igitur in præbenda de *Nassinton* in *Lincoln.* Ecclesia, quæ de Corona et patronatu nostro existit, exhæredatio Coronæ et Regiæ interveniat manifeste, præsertim cum vacante sede Episcopatus *Lincoln.* præbendæ illius, sicut omnium aliarum tam dignitatum quam præbendarum ejusdem Ecclesiæ collatio ad nos pleno jure dinoscitur pertinere. Vobis mandamus firmiter inhibentes, ne prætextu literarum quarumcunque vobis directarum, seu dirigendarum in posterum in prædicta præbenda vel alia ad nos ratione Baroniæ vestræ in prædicta *Lincolniensi* Ecclesia quaquam pertinente, quod nobis seu dignitati Regiæ, dampnosum vel præjudiciale esse poterit ordinando, vel instituendo, de nobis inconsultis attemptare aliquatenus præsumatis, per quod ad Baroniam illam ob vestri demeritum manum apponere debeamus. Teste *Edmundo*, &c. apud *Westm.* 15 die *Marcii.*

Claus. 17 E. 1. m. 7. dorso. Ne Episcopus Lincoln. aliquid temptet in Prebenda de Nassinton quod Regi damnosum vel præjudiciale esse poterit, &c.

The King this year sent two special Messengers to *Rome* to the Pope and Cardinals with these Letters of Credence, to dispatch some weighty affaires wherewith they were intrusted, to be communicated to them by word of mouth, not specified in the Letters.

SAnctissimo Patri in Christo ac Domino Reverendo, Domino *Nicholao* Dei gratiâ Sacrosanctæ *Romanæ* & universalis Ecclesiæ Summo Pontifici; *Edwardus*, &c. devota pedum oscula Beatorum, cum omni reverentia & honore. Dilectos Consiliarios & fideles nostros Nobilem virum *Othonem de Grandissono* Militem, ac Religiosum & discretum virum fratrem *Gulielmum de Hothum* de Ordine Prædicatorum, pro quibusdam negotiis nostris ad Sanctitatis vestræ præsentiam destinantes, paternitatem vestram humiliter imploramus; quatinus præfatos Nuncios nostros solita benignitate recipere, et eisdem vel eorum alteri super omnibus et singulis quæ vobis ex parte nostra vivæ vocis oraculo duxerint vel duxerit exponenda, indubitabilem fidem et firmam credeptiam adhibere velitis, veluti nobis ipsis. Ac ea quæ hice nostra petierint, ad gratiam exauditionis admittere et prosequi gratiose. Vitam prosperam & longævam annuat vobis Deus ad regimen Ecclesiæ suæ sanctæ & pacem totius populi Christiani. Dat. apud *Laverdak* 8 die *Maii*, Anno Dom. 1289.

Rot. Vasc. 17 E. 1. pars 2. memb. 11.

An. 17 *E.* 1. He likewise sent particular Letters of Recommendation and Credence to the respective Cardinals, whose names are thus enrolled.

Ibid. Episcopi Cardinales. VEnerabili in Christo Patri Amico suo Karissimo Domino *Latino*, Dei gratiâ *Ostien.* & *Velletren.* Episcopo, Sacrosanctæ *Romanæ* Ecclesiæ Cardinali; *Edwardus* eadem gratia, &c. salutem, cum incremento continuo gloriæ & honoris. Dilectis Consiliariis & fidelibus nostris Nobili viro *Ottoni de Grandissono*, & Religioso viro & discreto fratri *Guillielmo de Hothum* de Ordine Prædicatorum, quos pro quibusdam negotiis nostris ad Dominum Summum Pontificem et ejus Curiam destinamus quædam commisimus vobis vivæ vocis oraculo referenda. Paternitatem vestram rogantes, quatinus præfatis Nunciis nostris vel eorum alteri super omnibus quæ nobis ex parte nostra oretenus duxerint exponenda, fidem velitis indubiam adhibere, Dat. apud *Laverdak* 8 die *Maii*, Anno Regni nostri 17.

Consimiles literæ diriguntur singulis Cardinalibus de Curia *Romana*, videlicet

Domino *Berkardo* Dei gratia Episcopo *Penestrino*, Sacrosanctæ *Romanæ* Ecclesiæ Cardinali.

Domino *Bentevenge* Dei gratia *Alban.* Episcopo, &c.

Domino *Johanni* Dei gratia Episcopo *Tusculano*, &c.

Domino *Bernardo* Dei gratia Episcopo *Portuen.*

Domino *Gerardo* Dei gratia Episcopo *Sabyn.*

Pope *Nicholas* the 4. being setled in his Pontifical Chair, taking into his consideration that King *Edward* the 1. was 5. years in arrear to the Church of *Rome* for the annual pension of 1000 Marks granted by King *John*, notwithstanding Pope *Honorius* his predecessors Bulls and *Nuncioes* sent to him to demand and receive it, thereupon in the first year of his Papacie sent this Bull unto him, requesting in an humble manner the payment thereof to his Clerk and Nuncio *Giffredo* then in *England*, thus entred on Record.

Clauſ 17 E 1. m. 4 De quodam Littera missa Regi per Dom. Papam de quodam Censu annuo mille marcarum, &c. NIcholaus Episcopus Servus servorum Dei, Charissimo in Christo filio Regi *Angliæ* illustri salutem & Apostolicam benedictionem. Honorem tuum fili charissime, decere credimus, ac tui et Regni tui profectibus expedire, ut quod juste debes sacrosanctæ *Romanæ* Ecclesiæ Matri tuæ, sic promptus exolvas, quod gratiam acquiras ex debito, et commendari mereatur Celsitudo Regia ex affectu. Cum igitur Census annuus mille Marcarum sterlingorum a te, sicut nosti, eidem *Romanæ* Ecclesiæ debeatur, ac felicis recordationis *Honorius* Papa 4. prædecessor noster, super solutione ipsius Census de tribus annis debiti facienda a te, sub certa forma tibi direxerit scripta sua, et nondum Cameræ sedis Apostolicæ de dicto Censu pro eisdem tribus annis satisfactum existat. Serenitatem Regiam requirimus et rogamus attente, per Apostolica tibi scripta mandantes, quatinus Censum ipsum pro eisdem tribus annis jam præteritis, et etiam pro duobus sequentibus, terminandis in proximo futuro festo beati *Michaelis*, dilecto filio Magistro *Giffredo* Cameræ nostræ Clerico in *Anglia* commoranti, has tibi literas præsentanti, nostro et Ecclesiæ prædictæ nomine facias integre et liberaliter assignari: Ita quod nos id gratum habentes, Magnificentiam tuam possimus exinde merito commendare. Dat. *Romæ* apud Sanctum *Petrum* 4. Kalend. *Maii*. Pont. nostri Anno primo.

Et memorandum, quod die Veneris proxima post festum *Assumptionis* beatæ *Mariæ* anno Regni, &c. decimo septimo apud *Ledes*, liberata fuit ista Bulla Magistro *Willielmo de Luda* tunc Custode Garderobæ Domini Regis, in eadem Garderoba custodienda.

The King hereupon to ingratiate himself with the new Pope, the better to promote his cosen *Charles* to the Realm of *Sicily*, whom he had enlarged out of prison, and expedite his own affairs in the Court of *Rome*, concerning a dispensation for his Sonne to marrie the heir of the Crown of *Scotland*, and other businesse touching *Gascoigne* and *France*, (for which he had then sent special Embassadors to *Rome* with Letters both to the Pope and Cardinals;) issued this Writ for the payment of these 5. years arrears accordingly, recorded in the *Liberate Roll* of this year.

REX

An. 17 *E.* 1.

Liberate 17 E. 1. m. 2. intus De Denariis Dom. Papæ liberandis.

REX Thesaur. & Camerariis suis salutem. Liberate de thesauro nostro Magistro Giffredo de Vezano, Domini Papæ Clerico quinque millia Marcarum per manus suas eidem Domino Papæ liberand. de Annis Regni nostri 12, 13, 14, 15, et 16. *videlicet*, de quolibet Anno mille Marcas, quem idem Dominus Papa percipit ad Scaccarium nostrum. Et recipiatis ab eodem Magistro Giffredo sufficientem quietanciam de pecunia supradicta. Teste Rege apud *Ledes* 18 die *Augusti*.

This is the last payment I finde made by King *Edward* the 1. of this annual pension during his reign, to which he made so many * *former* long demmurrers and delayes of payment.

* See here, p. 158, 159, 278, 279.

The Pope upon receipt hereof was so well pleased, that he granted a dispensatio to the Kings Son Prince *Edward* to marry with the heir of the Crown of *Scotland*, thereby to unite these two Crowns, Kingdoms, and prevent the long bloody Wars between them, though within the prohibited degrees of Consanguinitie, thus enrolled in the *Patent Roll* of Anno 17 E. 1.

Pat. 17 E. 1. m. 3. Cedul. intus. De facto Norwag.

NICHOLAUS *Episcopus Servus servorum Dei, dilecto filio Nobili viro* Edwardo *nato charissimi in Christo filii nostri* Edwardi *Regis* Angliæ *illustris, salutem & apostolicam benedictionem.* Petitio tua nobis exhibita continebat, *quod propter contiguitatem* Angliæ Scotiæque *Regnorum diversa scandala, rancores, & odia inter ipsa Regna & eorum Reges hactenus sunt exorta, ex quibus nonnulla rerum & corporum contigisse pericula dinoscuntur, sicque cum claræ memoriæ* A. *Rex* Scotiæ *sit viam universæ Carnis ingressus proprio masculino genere non extante, & dilecta in nobis Christo filia* Margareta *nata charissimi in Christo filii nostri* Erici Norwegiæ *Regis illustris, neptis prædicti Regis* Scotiæ *Regno ipsi* Scotiæ *Regi succedat verisimiliter dubitatur, quod si forsan Regnum ipsum ad manus alterius ex ipsius* Margaretæ *contrahendo conjugio proveniret, de facili possent hujusmodi scandala, rancores & odia pullulare, ac provenire ex ipsis pericula graviora; unde ad hujusmodi periculis obviandum, ac ad sedandum & obliviscendum scandala, rancores, & odia supradicta, & ad procurandum & nutriendum veræ pacis & dilectionis commoda inter prædicta regna & incolas eorundem, desideras* cum prædicta Margareta matrimonialiter copulari. Set quia tertio consanguinitatis gradu quo tu et eadem Margareta, nata ex quadam Margareta consobrina tua præfati Norweg. Regis uxore, vobis attinetis ad invicem prohibente, id non potest perduci legitime ad effectum, Apostolicæ sedis licentiam super hoc humiliter implorastis; Nos itaque in prædictis regnis et ubique locorum Deo et Romanæ Ecclesiæ devotorum, pacem et concordiam affectantes, et intendentes ad id studia quæ possumus adhibere; Sperantes quoque quod ex hujusmodi matrimonio si fiet memoratis Regnis, odiorum tenebris inde propulsis, prosperitatum quamplurium, dante Domino incrementa provenient. Considerantes etiam, quod si prædictum Regem patrem tuum, juxta sui voti præsagia, contingat in Terræ sanctæ subsidium proficisci, posset ipsi Regi suoque Regno et tibi, et per consequens præfatæ Terræ Sanctæ negotio, si alii prædicta Margareta nuberet, deperire. *Pensantes insuper*, quod nulla ex hujusmodi provenire debere scandala verisimiliter formidantur.

Hiis & aliis dignis considerationibus subsistentibus excitati, tuis supplicationibus annuentes, tecum et cum Margareta præfata ut impedimento consanguinitatis hujusmodi non obstante matrimonium invicem legitime contrahere, ac in contracto licite remanere possitis, authoritate Apostolica de speciali gratia dispensamus; prolem suscipiendam ex te ac dicta Margareta ex hujusmodi matrimonio nunciantes ex nunc legitimam, de Apostolica plenitudine potestatis. Nulli ergo omnino hominum liceat hanc paginam nostræ dispensationis infringere, vel ei ausu temerario contraire. *Si quis autem hoc attemptare præsumpserit*, indignationem Omnipotentis Dei, et Beatorum Petri & Pauli Apostolorum ejus, se noverit incursurum. *Dat.* Romæ *apud Sanctam* Mariam *majorem* 16 *Kal.* Decembris, *Pontificatus nostri Anno secundo.*

King *Edward* upon the receipt of this Dispensation, sent these ensuing Letters and Proxies to *Ericus* King of *Norwey*, and likewise to the Gardians of the Realm of

of *Scotland*, to consummate this marriage, upon these following Articles and Agreements; which, because not extant (to my remembrance) in any History, I shall transcribe out of the Records in the Tower.

Pat. 17 E. 1. m. 4 Ced.

MAgnifico Principi & amico suo Karissimo Domino *Erico*, Dei gratia Regi *Norwagiæ* illustri, *Edwardus* Dei gratiâ Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, salutem, & prosperis semper successibus habundare. Cum ex liberali benignitate Sedis Apostolicæ sufficiens et plena nobis dispensatio de filio nostro *Edwardo*, & *Margareta* filia vestra Regina *Scotiæ* matrimonialiter adinvicem copulandis, non obstante consanguinitatis gradu, quo sibi adinvicem attinere noscuntur, per sanctissimum patrem nostrum Dominum *Nicholaum* ejusdem Sedis ac universalis Ecclesiæ Summum Pontificem, rite et inspirante gratia Salvatoris sit concessa, et realiter jam optenta; ad quod utique Custodes, Magnates, Prælati, ac tota communitas prædicti Regni *Scotiæ*, unanimi et expressa voluntate suum præbuerant jam consensum; id quod vobis, ut confidimus, propter utriusque regni *Angliæ* & *Scotiæ* secundam prosperitatem & mutuam utilitatem placidum & acceptum esse, verisimiliter attendamus; vestram Serenitatem Regiam requirimus & rogamus attentè, quatenus ad tam fælicem dictæ dispensationis & copulæ conjugalis effectum prosequendum finaliter & complendum, prædictæ Dominæ *Margaretæ* filiæ ad partes nostras *Anglicanas* adventum curetis adeo tempestivè maturare, ut obnixius obstringamur. Grave siquidem gereremus, si nostra hinc inde vota in hoc aliqualiter discreparent, aut saltem protelare faceretis, quod in hac parte Regiam Celsitudinem non deceret. Valeat & vigeat fœliciter Regia Majestas vestra, & prosperis semper floreat incrementis. Dat. apud *Aumbrisbury* 15 Kal. *Maii*, Anno Regni nostri decimo octavo.

Ibidem.

EIdem Regi, *Edwardus* Dei gratia Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitanniæ*, salutem, & prosperis semper successibus habundare. Ad frequentem & votivam instantiam venerabilis patris Domini *Antonii* Dei gratia *Dunolm.* Episcopi vestram de Regno *Scotiæ* utilitatem affectantis, & vehementer prosequentis, quam utique nos in hoc & in aliis appetimus fœliciter prosperari, damus, concedimus & committimus eidem Episcopo plenam & specialem potestatem & authoritatem plenariam, vobiscum per se, vel per suos Procuratores aut nuncios speciales, tractandi, conferendi, ordinandi Juramento, scriptis vel obligationibus, suo & nostro nomine, si necesse fuerit affirmandi negotia, vos & nos filium nostrum & filiam vestram contingentia, secundum quod magis viderint expedire. Ratum habentes & firmum quicquid per prædictum patrem *Dunelm.* Episcopum; vel Nuncios aut Procuratores suos, vel eorum aliquos, ad hoc specialiter deputatos factum, ordinatum vel affirmatum fuerit suo & nostro nomine in præmissis. In cujus, &c. Sigillum nostrum fecimus præsentibus appendi. Dat. apud *Wodestok* 10 die *April.* Anno, &c. eodem.

Et memorand. quod istæ duæ literæ, licet sint de data in eis contenta, irrotulatæ fuerunt hic, eo quod tangunt factum *Norwag.* & nichilominus ista ultima litera irrotulata est in Rotulo Patentium de Anno xvii. mense *April.*

Ibid m. 3.

OMnibus has literas visuris vel audituris, *Edwardus*, &c. salutem. Noveritis nos literas *Custodum regni Scotiæ* communi Sigillo Regni ejusdem signatas, non cancellatas, non abolitas, nec in aliqua sui parte vitiatas, in forma quæ sequitur, inspexisse. *Excellentissimo Principi Domino* Edwardo *Dei gratia Regi* Angliæ *Illustri*, *Domino* Hiberniæ, *& Duci* Aquitaniæ, *Custodes Regni* Scociæ *per Communitatem ejusdem Regni, salutem, & continuum semper gloriæ & honoris incrementum. Notum vobis facimus per præsentes, quod cum ad preces & instantiam vestram ad præsentiam vestram venerabiles in Christo patres* W. *&* R. *permissione divina Sancti* Andreæ *&* Glasguen. *Episcopos*; *Nobiles viros* Robertum de Brus *patrem*, *Dominum* Wall. Anand. *&* Johannem Comyn *destinemus pro quibusdam rebus seu negotiis, vobis per quosdam solempnes Nuncios Domini Regis* Norwag. *illustris, suggestis, sicut per literas vestras nuper nobis missas didicimus*; *damus & concedimus prædictis destinatis potestatem & mandatum tractandi cum dictis nunciis* Norwag. *coram vobis, super rebus seu negotiis vobis expositis per eosdem, & ea quæ erunt in vestra præsentia ab utraque*

que parte concorditer ordinata, affirmandi. Salvis tamen in omnibus & singulis & per omnia Libertate & Honore Regni Scotiæ; *Ratum & gratum habituri quicquid per prædictos destinatos in vestra præsentia tractatum fuerit & affirmatum; dummodo ex hoc Regno* Scotiæ *& ejus incolis nullum imposterum præjudicium generetur. In cujus rei testimonium, has literas patentes Sigillo regiminiregni* Scotiæ *deputato fecimus sigillari. Dat. apud Monasterium de* Melros *tertio die* Octobris, *Anno Gratiæ*, 1289. *In cujus, &c.* An. 17 E. 1.

Memorand.. quod ista Litera sigillata liberata fuit in Ecclesia beatæ *Mariæ Sarum* septimo die *Novembr.* Anno, &c. decimo septimo, per manum venerabilis patris *R. Bathon.* & *Wellen.* Episcopi Cancellar. Regis, Nunciis Regis *Norwag.* Et litera originalis unà cum litera subsequente, eodem die, in eadem Ecclesia, liberata fuit per manus ejusdem Cancellarii Domino Episcopo *Dunelm.* in præsentia venerabilis patris Domini *Wigorn.* Episcopi, & Domini *W. de Valen.* & *J. de Warenna* Com. *Sarr.* per manum ejusdem Episcopi *Dunelmen.* in Garderoba Regis liberand.

OMnibus has literas visuris vel audituris, *Edwardus, &c.* salutem. Noveritis nos literas Serenissimi Principis *Ericii*, eadem gratia Regis *Norwag.* illustris Sigillo suo signatas, non cancellatas, non abolitas, nec in aliqua sui parte vitiatas, in forma quæ sequitur, inspexisse. *Excellentissimo & Magnifico Principi, affini & amico suo Karissimo, Domino* Edwardo *Dei gratia Regi* Angliæ, *Domino* Hiberniæ, *& Duci* Aquitanniæ, Ericius *eadem gratia Rex* Norwag. *salutem, & sinceræ dilectionis constantiam, cum honoris & Gloriæ perpetuis incrementis. Noverit vestra Majestas Regia, quod nos dilectos ac fideles nostros,* Tirricium de Campis Ludi *Baronem,* Petrum Algothi *quondam Regni* Suet. *Cancellar.* Thorwaldi de Shetland, & Guthorinum de Osleya, *Milites, latores præsentium, facimus, constituimus & ordinamus nostros veros & legitimos Procuratores & Nuncios speciales, ad tractandum & conferendum cum Serenitate vestra, super quibusdam negotiis, nos & filiam nostram Karissimam* Margaretam *Consanguineam vestram, Dominam ac Reginam* Scotiæ *ac ipsum Regnum suum* Scotiæ *tangentibus: Dantes & concedentes eisdem nunciis & procuratoribus nostris authoritatem plenariam & mandatum speciale ad stabilienda prædicta negotia & ad omnia alia facienda, sine quibus prædicta negotia expedire non possint, prout nobis & filiæ nostræ supradictæ melius credere viderint ad commodum & honorem. Ita tamen quod si omnes hiis expediendis interesse nequiverint, tres vel duo ex ipsis nichilominus in negotiis procedant supradictis. Ratum habituri & gratum, quicquid per dictos nuncios & procuratores nostros, seu ipsorum tres vel duos factum fuerit & ordinatum in præmissis seu quolibet præmissorum. In cujus rei testimonium præsens procuratorium sigilli nostri appensione duximus roborandum. Dat. apud Civitatem* Bergens. *Kal.* April. *anno regni nostri Decimo.* In cujus rei testimonium, has literas nostras fieri fecimus patentes. Teste meipso apud *Clarendon.* 6. die *Novembr.* Anno Regni nostri decimo septimo. Pat. 17 E. 1. m. 3.

REX Prælatis, Magnatibus, ac toti Communitati Regni *Scotiæ*, salutem & dilectionem sinceram. Quia negotia, quæ contingunt Karissimam Consanguineam nostram, *Margaretam* Dominam & Reginam Regni ejusdem, ad honorem Dei & tranquillitatem totius Communitatis ejusdem Regni, ac commodum & profectum ipsius Consanguineæ nostræ prædictæ bene & fideliter prosperari, totis desideriis peroptamus; Vos requirimus & rogamus attentè, quatinus Custodibus ad regimen dicti Regni nomine prædictæ nostræ Consanguineæ deputatis, taliter intendentes sitis & obedientes, quod nos & Domina vestra antedicta possumus & debeamus fidelitatem vestram habere meritò commendatam. Proponimus siquidem statim post instans Parliamentum nostrum *London.* ad partes vestras *Scotiæ*, aliquos de nostro Consilio destinare; per quos ac etiam per ipsius Terræ Custodes de statu ejusdem Regni, quem appetimus tranquillum & pacificum semper esse, certificati erimus, Deo dante. Dat. apud *Clarendon.* ut supra. Et sunt Clausæ. Pat. 17 E. 3. m. 3, 4.

REX omnibus ad quos, &c. salutem. Sciatis nos concessisse venerabilibus patribus, *Willielmo* Dei gratia Sancti *Andreæ*, & *Roberto Glasguen.* Episcopis, ac Nobilibus viris, *Roberto de Bruys*, Domino *Wal. de Anant.* & *Johanni Comyn*, qui ad nos ex parte Custodum Regni *Scotiæ* nuper venerunt in nuncium; & *Terrico de* Ibidem.

An. 17 *E.* I. *Campis Ludi, Petro Algoti, & Guithorno de Assebeye*, Nunciis & Procuratoribus egregii Principis Domini *Ericii* Regis *Norwag.* quod si Domina *Margarita* nata Regis ejusdem, nostraque nepta, Domina Regina & hæres *Scotiæ*, in partibus *Angliæ* veniat, ab omni contractu Maritagii & Sponsalium libera & quieta, nos ipsam domicellam ita liberam & quietam ab omni contractu Matrimonii & Sponsalium probis hominibus Regni *Scotiæ* ad eorum requisitionem liberabimus, quam citò terra *Scotiæ* prædicta assecurata fuerit & in pace. Ita quod ipsa Domina securè venire valeat in eandem, & inibi commodè commorari; sub tali tamen modo, quod prædicti probi homines Regni *Scotiæ* antequam præfatam recipiant Dominam, sufficientem ponent securitatem & bonam nobis & Regi *Norwag.* supradicto, quod ipsam Dominam nullatenus maritabunt, nisi de consensu nostro, et Regis *Norwag.* supradicti, & hæredum succedentium nobis Regi *Angliæ*, si de nobis interim contingat humaniter, vel in remotas partes á nostro regno prædicto contigeret nos transferre. In quibus casibus hæredes nostros, ac hæredum nostrorum & Regni Custodes in nostri absentia obligamus ad præmissa servanda, quæ promisimus bona fide. In cujus rei testimonium, &c. Teste Rege apud *Clarendon* 6 die *Novembr.*

Et sunt duplicatæ & similiter liberatæ per manum venerabilis patris *R. Barhon.* & *Wellen.* Episcopi Cancellar. Regis apud *Sarum* 8. die *Novembris*, *Willielmo de Bliburg.* per manum suam liberand. Unam videlicet nunciis Regis *Norwag.* & aliam nunciis Custodum *Scotiæ.*

Ibidem. CUM egregius Princeps *Eryk.* Rex *Norweye*, & Domina *Margareta* nata Regis ejusdem, Domina Regina & hæres regni *Scotiæ*, requisivissent per suos solempnes nuncios, Dominum videlicet *Terricum de Campis Ludi*, *Petrum Algothi*, & *Guthorinum de Aseleya*, magnificum Principem Dominum *Edwardum* Dei gratia illustrem Regem *Angliæ*, quod ipse opem apponeret & consilium, qualiter prædictæ Reginæ neptæ suæ obediretur, ut Domina Regina, et Hæres Regni Scotiæ supradicti, et quod ipsa inde ordinare possit pariter et gaudere, prout aliis faciunt Reges regnis, præfatus Dominus *Angliæ* Rex illustris, pro bono pacis dicti regni *Scotiæ*, & reformatione status suæ neptæ, jam dictæ, Custodibus regni *Scotiæ* literas suas misit, quod Custodes ipsi mitterent personas nominatas & certas, qui potestatem haberent tractandi formam aliquam pro se & aliis, ad emendationem dicti regni *Scotiæ*, & reformatione status Reginæ jam dictæ. Iidem quoque Custodes ad requisitionem hujusmodi Domini Regis *Angliæ* prælibati, miserunt, juxta effectum requisitionis ejusdem, venerabiles in Christo patres Sancti *Andreæ* & de *Glascuen.* Episcopos, & nobiles viros Dominos *Robertum de Brus*, Dom. *Val. de Anaunt*, & *Johannem de Comyn*, ad tractandum prout superius est jam dictum; qui apud *Saresbur.* venientes, ad mensem Sancti *Michaelis* prox. nunc elapsum, ad quem locum prædictus Dominus Rex *Angliæ* honorabiles in Christo patres Dominos *Godefridum Wygorn.* & *Antonium Dunelmensem* Episcopos, ac egregios viros, Dominos *Guillielm. de Valenc. Pembrok.* & *Johannem de Garenum* Com. pro tractatu prædicto transmisit, qui similiter venientes ibidem ad tractand. ex parte ipsius Regis *Angliæ* cum nunciis *Norweye*, & nominatis *Scotorum* supradictis, post disceptationes inter eos varias & tractatus, in formam tandem talem pariter concordarunt, videlicet, *Quod præfata Domina Regina & Hæres in Regnum veniat* Angliæ *aut* Scotiæ *citra festum* Omnium Sanctorum *proximo jam futurum, ab omni contractu Maritagii & Sponsalium libera & quieta, & hoc præfati Nuncii* Norweye, *quantum in ipsis est bona fide promiserant, se Procuratores futuros & curaturos citra terminum jam prædictum, nisi Reginæ rationabile & allocabile Essonium habeat in hac parte. Promisit insuper bona fide jam dictus Rex* Angliæ, *quod si præfata Domina ab omni contractu Maritagii & Sponsalium, in manum suam aut custodiam libera veniat & quieta; & quando Regnum* Scotiæ *assecuratum benè fuerit & in pace, ita quod Domina ipsa securè venire valeat, & in eo morari, ipsumque Regem* Angliæ *per gentem Regni* Scotiæ *requiri continget, idem Rex* Angliæ *eandem Dominam in Regnum* Scotiæ *mittet, ita liberam & quietam à contractibus, de quibus superius est locutum, sicut recepit eandem. Ita tamen quod bona gens* Scotiæ, *antequam ipsam Dominam recipiant, sufficientem faciant securitatem & bonam Regi* Angliæ *prænotato*, quod prædictam Dominam, nisi per ordinationem ipsius, voluntatem et consilium, ac per assensum Domini Regis Norweye Patris ipsius Dominæ nullatenus maritabunt. *Prænominati*

minati vero Missi Scotiæ *promiserunt similiter bona fide pro se & aliis Regni* Scotiæ, *quod ipsi assecurabunt terram* Scotiæ *antequam dicta Domina veniat in eandem, & quod Securitatem sibi facient*, quod inibi ut in Regnum suum secure venire poterit, et pro suæ voluntatis libito commorari, prout ipsius terræ vera Domina, Regina, et Hæres, quodque de præmissis omnes securitates præstabunt, quæ rationabiles fuerint, et quas dicti Nuncii Norweye ipsos facere posse dicent. *Quod si forsan de Custodibus aut Ministris aliquis vel aliqui dicti Regni* Scotiæ *ipsis de* Norweya *vel Reginæ prædictæ inutilis, vel inutiles suspicios aut suspicioſi extiterit vel extiterint, totiens Ministri & Custodes amoveantur hujusmodi, quotiens opus erit, & meliores alii de Regno* Scotiæ *loco ponentur eorum, secundum considerationem & providentiam proborum hominum terrarum* Scotiæ & Norweyæ, *& illorum insuper quos ad hoc prælibatus Rex* Angliæ *duxerit destinandos. Si autem illi de* Scotiâ *& de* Norwegiâ *in hac parte concordare non possint, mediantibus ope & consilio gentium Regis* Angliæ *supradicti, tunc res ex illa parte se teneat, cui gentes ipsius Regis* Angliæ *Consilium concordaverint. Et hoc nedum sit attendendum in expressis superius, set & in omnibus disceptationibus, quæ inter eos in dicto Regno* Scotiæ *resultabunt, ejusdem Regni statum & reformationem contingentibus quoquomodo. Placet enim partibus, quod dicti Regni* Scotiæ *status hujusmodi* Angl. & Norweye *Regibus reportetur. Item concordarunt partes prædictæ, quod ad mediam* Quadragesimam *proximo jam futuram erit gens* Scotiæ *apud* Rokesburgh. *& in circuitu loci ejusdem, gens verò quam transmittet Rex* Angliæ *ad requisitionem illorum de* Scotiâ *&* Norweyâ *in partibus de* Warks, *& de* Karhin. *eodem die erit. Ad quem diem promiserunt illi de* Scocia *bona fide de affirmanda præmissis omnibus & complendis, tàm de Securitatibus, quam cunctis aliis suprascriptis, quæ contingunt emendationem Regni* Scotiæ *memorati: & hoc in illorum præsentia, quos præfatus Rex* Angliæ *ad dictos diem transmittet & loca, ut videre possint prædicta firmiter adimpleri. Et in testimonium præscriptorum præfati procuratores Regis* Norweye *& Missi de* Scotia *huic scripto cirographato in tres peciæ, quarum duæ in* Gallico *penes Regem* Angliæ *& illos de* Scotia, *& tertia in* Latinum *translata, penes Procuratores* Norweyæ *residunt, sua apposuerunt sigilla. Et ad requisitionem Procuratorum* Norweyæ *& nominatorum* Scotiæ *prædictorum præfati Domini* Wygorn. & Dunelmen. *Episcopi, ac de* Pembrok. *& de* Garen. *Comites suprascripti sua similiter præsentibus apposuerunt sigilla in testimonium præmissorum. Dat. apud* Salesbury *Dominica in Festo Sancti* Leonardi, *Anno Dom.* 1289. *An.* 17 E. 1.

King *Edward* likewise to perfect the Marriage between his Son Prince *Edward* and *Margaret* Queen of *Scots*, with the general approbation of the Keepers, Nobles and Natives of that Realm, granted and ratified to the Nobles and people of *Scotland* these ensuing Articles, agreed on by special Commissioners sent on both sides, and approved by him by Letters under his Great Seal, which he took an Oath to observe, under the penalty of forfeiting One Hundred Thousand Pounds to the Church of *Rome* towards the Holy Wars, and subjecting himself to the Popes Excommunication, and his Kingdom to an Interdict, in case of violation or non-performance, as this Patent (enrolled both in *Latine* and *French*) attests. I shall only recite the *Latine*, whereof the *French* is but a Counterpart. *An.* 18 E. 1.

UNiversis ad quorum notitiam præsentes literæ pervenerint. *Edwardus* Dei gratia Rex *Angliæ*, &c. salutem in Domino. Cum nos nuper ad partes *Scotiæ* destinassemus venerabiles patres in Christo *Antonium Dunelmensem* & *Radulphum Karliolensem* eadem gratia Episcopos, & Nobiles viros *Johannem Garennæ* & *Henricum Lincoln.* Comites, *Willielmum de Vescy* Militem, & Magistrum *Henricum de Neuwerk* Decanum Ecclesiæ *Ebor.* nostros solempnes Nuncios & Procuratores, qui nostro nomine aliqua annuissent & concessissent Custodibus, Episcopis, Abbatibus, Comitibus, Baronibus, ac toti Communitati ejusdem regni *Scotiæ*, si per eos sic concessa nobis & nostro consilio placuissent; ac prædicti Nobiles & tota Communitas regni *Scotiæ* prædicti, ob hoc & alia negotia misissent ad nos venerabilem patrem *Robertum* Dei gratia *Glascuensem* Episcopum, & Nobilem virum Dominum *Johannem Comyn* Custodes regni *Scotiæ*, ac venerabilem patrem *Alanum* eadem gratia *Cathanensem* Episcopum, suos solempnes Nuncios & Procuratores: Nos super prædictis per nostros Nuncios concessis informati & consulti, considerantes Pat. 18 E. 1. m. 8, 9.

An. 18 *E.* I. etiam & ponderantes amorem & affectionem quam gens prædicti regni *Scotiæ* habet ad nos, & filium nostrum & hæredem *Edwardum*, concessionem & factum prædictorum Nunciorum nostrorum ratum habemus & firmum, prout de verbo ad verbum est infra scriptum sub tali tenore. *Universis ad quos præsentes literæ pervenerint*, Antonius Dunelmensis, & Radulphus Karliolensis *Dei gratia Episcopi*, Johannes de Garenna, & Henricus de Lincoln. *Comites*, Willielmus de Vescy *Miles*, & Henricus de Neuwerk *Decanus Ecclesiæ* Ebor. *Procuratores speciales & Nuncii solempnes magnifici Principis Domini* Edwardi *Dei gratia Regis* Angliæ *illustris, salutem. Cum inter cætera, quæ contingunt negotium & tractatum habitum inter Excellentissimum Principem Dominum nostrum supradictum ex parte una, & venerabiles patres Custodes & cæteros Episcopos, Abbates, & totum Clerum, Nobiles viros, Comites & Barones, totamque Communitatem regni* Scotiæ *ex altera, super Matrimonio contrahendo inter Dominum* Edwardum *filium & hæredem prædicti Domini nostri Regis, & Dominam* Margaretam *natam egregii Principis Domini* Erici *Regis* Norwagiæ, *ejusdem regni* Scotiæ *Hæreditariam, & Reginam; à nobis esset petitum ex parte eorundem Custodum, Prælatorum, Nobilium, & Communitatis ipsius regni* Scotiæ, quod pro Domino nostro prædicto et hæredibus suis, eis concederemus et firmaremus jura, leges, libertates, et consuetudines dicti regni Scotiæ, tam Ecclesiasticas quam Seculares, hactenus usitatas et optentas: *Nos habita consideratione diligenti ad pacem & tranquillitatem utriusque regni, & mutuam dilectionem habitantium in eisdem, cunctis temporibus remansuram*, concedimus nomine et vice Domini nostri prædicti et hæredum suorum, quod jura, leges, libertates, et consuetudines ejusdem regni Scotiæ, in omnibus, et per omnia per totum ipsum regnum et ejus Marchiam integre et inviolabiliter perpetuis temporibus observentur: Salvo jure dicti Domini nostri et alterius cujuslibet, quod sibi vel alii cuicunque super his quæ consistunt in Marchia vel alibi ante præsentis Concessionis tempora competit vel competere justo modo poterit in futurum. *Volentes & concedentes expresse nomine dicti Domini nostri, hæredum suorum & nostro, quod deficientibus prædictis* Edwardo & Margareta, *vel eorum altero absque liberis extantibus, in omni casu & eventu, in quo ad proximiores hæredes regnum prædictum debeat de jure reverti*, integre, libere, absolute, absque ulla subjectione revertatur et restituatur eisdem, si forsan ad manus antedicti Domini nostri Regis vel hæredum suorum, ipsum regnum Scotiæ aliquo casu contingerit devenire. *Ita quod ratione præsentis facti Domino nostro Regi vel hæredibus suis, aut alicui alii nichil accrescat aliquatenus vel decrescat.* *Similis vero fiat restitutio per prædictum Dominum nostrum Regem vel hæredes suos de corpore prædictæ Dominæ* Margaretæ, *si in eventu reversionis hujusmodi, in ipsius vel hæredum suorum fuerit potestate, secundum formam ordinationis & conventionis factæ super hoc apud* Sarum. *Concedimus insuper & promittimus bona fide, Domini nostri prædicti nomine & hæredum suorum, quod quando prædicta* Margareta *Domina & Regina* Scotiæ *maritabitur charissimo nato & hæredi ejusdem Domini nostri* Edwardo, *dotabitur vel habebit in* * *donationem propter nuptias de cæteris terris in regno* Angliæ *prout decet congrue statum suum, unde ipsa Regina & amici sui contenti rationabiliter esse poterunt & debebant. Promittentes nichilominus vice & nomine prædicti Domini nostri Regis & hæredum suorum*, quod regnum Scotiæ remaneat * seperatum et divisum et liberum in se, sine subjectione a regno Angliæ per suas rectas, divisas et Marchias, sicut a retro hactenus extitit observatum: *Salvo jure dicti Domini nostri & alterius cujuslibet, quod sibi vel alii cuicunque super his, quæ consistunt in Marchia vel alibi, ante præsentis Concessionis tempora competit, vel competere justo modo poterit in futurum. Set quod Castra & Fortalicia de novo in Marchia non firmentur, non sumus in hoc consulti*, quod dicto Domino nostro Regi et suis talem imponeremus Servitutem, ubi antecessores et homines sui usi sunt hactenus firmare Castra, Fortalicia, et Domos in terris suis, sicut fecerunt sui progenitores, quia alias majori subjicerentur servituti, quam illi de regno Scotiæ vel aliqui antecessorum suorum. *Ad hæc expresse concedimus pro eodem Domino nostro & hæredibus suis*, quod Capitula Ecclesiarum Cathedralium, Collegiatarum et Conventualium, quæ propias habent electiones, non compellantur exire regnum ipsum Scotiæ ad petendum licentiam eligendi, vel præsentandi suos Electos, vel fidelitatem Regi Scotiæ facere seu Sacramentum. *Et quod nullus tenens in Capite de prædicto Rege* Scotiæ *compellatur exire regnum pro homagio, fidelitate, seu fine pro relevio faciendo. Illud idem viduis & miserabilibus personis in petendis & habendis*

* dotationem.

* As now it doth.

habendis dotibus & quærenda justitia concedentes. Set in regno ipso aliquis ex parte dicti Domini nostri Regis nomine Dominæ Margaretæ *ipsius regni Reginæ, & Domini* Edwardi *filii & hæredis Domini nostri prædicti, deputetur ad jam dicta recipienda & eorum nomine facienda: Salvo homagio quod in personali Regis præsentia fieri oportebit, set fidelitate facta habeat seisinam terræ suæ sine dilatione per breve de Capella. Nec quod aliquis de regno* Scotiæ *pro contractu inito vel delicto commisso in eodem regno, vel in aliquo casu teneatur respondere extra idem regnum,* contra leges et consuetudines ejusdem regni, *sicut hactenus extitit rationabiliter observatum. Et quod sigillum regni quod nunc currit, post mortem Regis teneatur & currat, quousque Regina prædicta venerit in regnum suum,* et fecerit Deo et Ecclesiæ, ac Communitati ipsius regni in loco ad hoc specialiter deputato, quod fuerit faciendum, secundum leges et consuetudines dicti regni. *Et quod* tunc fiat novum sigillum *de consuetis armis & circumscriptione nomine Reg.* Scotiæ *tantum, penes Cancellarium ejusdem regni, qui pro tempore fuerit, remansurum. Volentes quod habeant Cancellarium de regno, & in regno* Scotiæ *residentem ad officium Cancellar. exequendum. Et idem concedimus de* Camerario, Clerico de Rotulis Capellæ Domini Regis, *Justiciariis, & aliis ejusdem regni Ministris; & quod nulla litera jus commune vel gratiam continens specialem, de dicta Cancellaria transeat, nisi secundum solitum & debitum cursum Capellæ Regis & regni* Scotiæ *prædictorum. Reliqua vero Cartæ privilegia & alia munimenta, quæ tangunt regalem dignitatem & regnum* Scotiæ, *in tuto loco ponantur, sub firma custodia infra regnum* Scotiæ, *& sub sigillis majorum de regno, & per visum eorum, donec prædicta Domina venerit in regnum suum, & prolem habuerit superstitem, & prædicta munimenta ac privilegia in suis juribus integraliter custodiantur. Et similiter quod nulla fiat subjectio, alienatio, vel obligatio rerum ad regalem dignitatem regni* Scotiæ *pertinentium, donec prædicta Domina & Regina in regnum suum venerit, & prolem superstitem habuerit, ut superius est expressum. Promittentes firmiter & concedentes, quod nati & hæredes, Comitum, Baronum, & Nobilium qui pro tempore erunt in custodia & maritagio Domini Regis* Scotiæ *post mortem antecessorum suorum, per prædictum Regem nullatenus disperagentur.* Nec quod Parliamentum teneatur extra Regnum et Marchiam Scotiæ super hiis quæ contingunt ipsum Regnum vel Marchiam, seu Natum inhabitantium ipsum Regnum. Nec etiam tallagia, auxilia, exercitus, vel malatouta exigantur a prædicto Regno, aut imponantur gentibus ejusdem Regni, nisi pro communibus Regni negotiis expediend. et in casibus in quibus Reges Scotiæ talia petere consueverunt. Ad quæ omnia suprædicta integre et fideliter observanda, prædictus Dominus noster Rex faciet in animam suam jurari. *Et Prælati ac Magnates* Angliæ *infrascripti, videlicet,* Cantuar. & Ebor. *Archiepiscopi, ac* Winton. Lincoln. Dunelm. & Carliol. *Episcopi, necnon Nobiles viri Domini* Edmundus *Domini nostri Regis Germanus, &* Cornub. Penebroch. Gloverniæ, Warennæ, Lincoln. Norff. & Suff. & Oxon. *Comites, fideliter procurabunt præmissa firmiter observari. Et si Rex egerit extra regnum, quod locum-suum-tenens vel tenentes in ejus absentia, vel hæres ipsius Domini Regis legitimæ ætatis existens, aut ejusdem hæredis custos seu custodes, dum fuerit minoris ætatis, quilibet in suo casu* præstabunt seu præstabit consimile Sacramentum. *Promittimus etiam, quod prædictus Dominus noster Rex pro se & hæredibus suis obligabit se ad restitutionem dicti regni faciendam in casibus supradictis,* sub pœna Centum Millium Librarum sterlingorum, solvendarum Ecclesiæ Romanæ in subsidium Terræ Sanctæ. Et præter hæc quod Dominus Papa dictum Dominum nostrum Regem et hæredes suos possit per sententias Excommunicationis in personas, et Interdicti in regnum et terras eorundem, tam ad regni prædicti restitutionem, quam ad pœnæ solutionem, si commissa fuerit, cohercere; principali obligatione nihilominus in suo robore duratura. *Concedimus insuper & promittimus nomine Domini nostri Regis prædicti, quod idem Dominus noster præsentem Obligationem propriis sumptibus & pro viribus faciet infra annum à tempore Sponsalium inter prædictos* Edwardum & Margaretam contractorum articulatim per Summum Pontificem confirmari, et infra idem tempus Communitati regni Scotiæ liberari; *quod si infra annum prædictum id facere non poterit, illud, quam citius potuerit, fieri impetrabit, ita quod illud perficiatur: Et si hoc non faciat suo tempore, quod hæredes sui ad id faciendum bona fide teneantur. Protestamur etiam in hiis scriptis, quod omnia præmissa taliter intelligantur,* quod jura unius regni vel alterius ratione præsentis facti, nichil decrescat aliqualiter vel accrescat:

An. 18 E. 1.

An. 18 *E.* 1. accrescat: Nec alicui Regum regnorum prædictorum, quin libere habeant statum suum. *In quorum omnium & singulorum præmissorum testimonium & evidentiam pleniorem, sigilla nostra præsentibus duximus apponenda. Dat. apud* Brigh. *die Martis proxima ante festum beatæ* Margaretæ *Virginis, videlicet,* 15 *Kal.* Augusti *Anno Domini* 1290. *Et ad majorem hujusmodi ratificationis & confirmationis nostræ ac omnium prædictorum auctoritatem & evidens testimonium, has literas nostras fieri fecimus patentes,* sigillo nostro Regio consignatas. Dat. *Norht.* 28 die *Aug.*

The King after this appointed the Bishop of *Durham*, to be this Queen *Margarets* and his Sonne Prince *Edwards* Lieutenant in *Scotland*, for the preservation of the Peace and Government thereof, by this Patent.

Pat. 18 E 1. m 9. REX venerabilibus Patribus *Willielmo* Sancti *Andreæ*, & *Roberto Glascuen.* eâdem gratia Episcopis, ac nobilibus viris *Johanni Comyn.* & *Jacobo Senescallo*, Custodibus Regni *Scotiæ*, cæterisque Episcopis, Abbatibus, Prioribus, totique Clero, Comitibus, Baronibus, ac toti Communitati Regni ejusdem salutem. Cum ad Leges et Consuetudines Regni *Scotiæ* observandas ex Sacramenti præstiti debito teneamur: Nos de probata fidelitate, & nota industria perdilecti nostri venerabilis patris Domini *Antonii* Dei gratia *Dunelmensis* Episcopi plenissime confidentes, ad pacem, tranquillitatem & profectum totius Regni *Scotiæ*, ac etiam ad supportationem oneris cæteris ipsius Regni *Scotiæ* incumbentis, eundem Episcopum ad vos mittimus, et tenore præsentium assignamus, ad tenendum in eodem Regno locum charissimæ nostræ Dominæ *Margaretæ* filiæ magnifici Principis Domini *Erici* Dei gratia Regis *Norwagiæ* illustris, Dominæ et Reginæ bestræ, ac charissimi nati nostri *Edwardi*, et ad justificandum et ratificandum Regnum prædictum, una cum cæteris ipsius Custodibus, de consilio Prælatorum & Magnatum ejusdem Regni, secundum leges et consuetudines, inibi hactenus observatas. Quare universitatem vestram attentius requirimus & rogamus, quatinus ob honorem nostrum, Dominæ vestræ & nati nostri, eundem Episcopum ad præmissa benignè & curialiter admittentes, fitis intendentes & obedientes eidem in hiis omnibus quæ ad gubernationem & statum ipsius Regni pacificum requiruntur. In cujus, &c. Dat. *Norht.* 28 die *Aug.*

At which time he and his Sonne likewise constituted Proctors to treat with the King of *Norway* in his and his Sonne *Edwards* name, concerning his Sonnes marmarriage and espousals with his daughter *Margaret* Queen of *Scotland*, as these Records inform us.

Pat. 18 E. 1. m. 9. Ibidem. UNiversis sanctæ matris Ecclesiæ filiis, ad quos præsentes literæ pervenerint. *Edwardus* natus & hæres Serenissimi Principis Domini *Edwardi* Dei gratia Regis *Angliæ*, Domini *Hyberniæ*, & Ducis *Aquitaniæ*, salutem æternam in Domino. Ad contrahendum nomine nostro Matrimonium cum nobili Domicella Dominâ *Margaretâ*, filiâ egregii Principis Domini *Erici* Regis *Norwag.* Regni *Scotiæ* Dominâ & Reginâ, & etiam omnia alia facienda, quæ ad prædictum contractum pertinent, aut pertinere poterunt quoquo modo; Illustri Principe Domino *E.* Dei gratia Rege *Angliæ* Patre nostro prædicto ad hoc assensum & auctoritatem præstante, nobilem virum Dominum *Johannem* Comitem *Garrenum*, Procuratorem nostrum ordinamus, facimus, & constituimus per præsentes: Ratum & gratum habituri quicquid idem *Johannes* nomine nostro fecerit in præmissis. In cujus rei testimonium & præstitæ auctoritatis evidentiam, inclytus genitor noster prædictus præsentes literas suo & nostro nomine sigilli sui munimine roboravit. Dat. ut supra.

Consimilis litera facta est Domino *A. Dunolmensi* Episcopo, &c. Dat. ut supra.

Item consimilis litera facta est Magistro *Henrico de Newerk* Decano *Eborum.* Dat. ut supra.

Item consimiles tres literæ factæ sunt eisdem de Sponsalibus, quæ sic incipiunt post sub-salutationem: Ad contrahenda nomine nostro Sponsalia cum nobili, &c. Dat. ut supra.

Universis

An. 18 *E.* 1.

UNniverſis ſanctæ matris Eccleſiæ filiis, ad quos præſentes literæ pervenerint, *Edwardus* Dei gratia Rex *Angliæ*, &c. ſalutem. Noverit univerſitas veſtra, quod nos tenore præſentium ordinamus, facimus, & conſtituimus dilectos noſtros, venerabilem Patrem Dominum *Antonium* eadem gratia *Dunelmen.* Epiſcopum, & nobilem virum *Johannem* Comitem *Warenn.* & Magiſtrum *Henricum de Newerk* Decanum Eccleſiæ *Eborum*, noſtros nuncios ſolempnes, & Procuratores legitimos, ad tractandum cum egregio Principe Domino *Erico* Rege *Norwag.* aut ipſius nunciis ſeu procuratoribus ad hoc deputatis, ſuper Sponſalibus ſeu Matrimonio contrahendis vel contrahendo inter *E.* natum noſtrum chariſſimum & hæredem ex una parte, & Dominam *Margaretam* filiam ejuſdem Principis *Norwagiæ*, Dominam & Reginam *Scotiæ* ex altera; Dantes eiſdem omnibus, aut duobus eorum poteſtatem plenariam & ſpeciale mandatum, tractatus illos nomine noſtro iniendi, proſequendi, firmandi & perficiendi; & nos ad omnia, quæ inter eos & prædictum Principem vel ejus Nuncios ſeu Procuratores convenerint, ſpecialiter obligandi, *in animam noſtram* (ſi neceſſe fuerit) jurandi quodlibet genus liciti Sacramenti; & omnia alia faciendi, quæ ad expeditionem & finalem completionem negotii memorati neceſſariò aut utiliter requirentur, & quæ nos ipſi in premiſſis præſentialiter faceremus. Ratum & gratum habentes & habituri, ſub ypoteca rerum noſtrarum, quicquid ipſi Procuratores noſtri aut eorum duo, quos præſentes eſſe contigerit in præmiſſis, nomine noſtro duxerint faciendum. In cujus, &c. Dat. *Norht.* 29 die *Auguſti*, Anno regni noſtri, &c. 18. Ibidem.

After which followes another Procuration in the ſame words, only with the addition of *Robert* Biſhop of *Glaſgo* to the forenamed, with the ſame *Teſte*; and likewiſe this enſuing Procuration.

UNiverſis ſanctæ matris Eccleſiæ filiis, ad quos præſentes literæ pervenerint, *Edwardus* Dei gratia Rex *Angliæ*, &c. ſalutem. Noverit univerſitas veſtra, quod nos tenore præſentium ordinamus, facimus, & conſtituimus dilectos noſtros venerabilem patrem *Antonium* Dei gratia *Dunelm.* Epiſcopum, *Johannem de Garrenna* Comitem, & Magiſtrum *Henricum de Neuwerk* Decanum Eccleſiæ *Ebor.* Nuncios ſpeciales & Procuratores legitimos chariſſimi nati & hæredis noſtri *Edwardi*, cujus tutelam gerimus, ad contrahendum nomine ſuo Sponſalia vel Matrimonium cum nobili Domicella Domina *Margareta* filia egregii Principis Domini *Erici* Regis *Norwagiæ*, regni *Scotiæ* Domina & Regina; & etiam ad omnia alia facienda, quæ ad prædictum contractum pertinent aut pertinere poterunt quoquo modo. Ratum & gratum habentes & habituri, ſub ypoteca rerum noſtrarum, quicquid prædicti Procuratores & Nuncii, aut eorum duo, quos præſentes eſſe contigerit, in præmiſſis, noſtro & prædicti nati noſtri nomine duxerint faciendum. In cujus, &c. Dat. ut ſupra. Et dupl. Ibidem.

To facilitate this Marriage, the Biſhop of *Durham* at the Kings requeſt obliged himſelf to pay 400 *l.* by the year to certain perſons in *Norway*, to diſcharge which annuity the King granted him ſeveral Mannors amounting to a greater value, by this Patent.

REX omnibus ad quos, &c. ſalutem. Cum venerabilis pater *A. Dunelmenſis* Epiſcopus ad requiſitionem noſtram obligaverit ſe quibuſdam perſonis de regno *Norwag.* in Quadringentis libris eiſdem perſonis ſingulis annis ſolvendis, quouſque Domina *Margareta* filia egregii Principis *Erici* Regis *Norwagiæ* illuſtris, & Domina & Regina *Scotiæ* quindecim annorum plene compleverit ætatem: Nos in recompenſationem illarum Quadringentarum librarum annuarum, aſſignavimus præfato Epiſcopo Maneria ſubſcripta, *viz.* Manerium noſtrum de *Werk*, *&c.* with ſundry other Mannors, Lands and Tenements therein ſpecified. Pat. 18 E. 1. m. 8.

What ſecurity the King demanded, and the *Scots* condeſcended unto, for ſurrendring the Forts and Caſtles in *Scotland* to the Queen and his Son, upon her arrival there or in *England*, this Record atteſts.

An. 18 *E.* 1.

Pat. 18 E. 1. m. 8.

A Touz ceus qi ceſte lettre verrunt ou orrunt, *Robert* par la grace de Deu Eveſqe de *Glaſgen.* & *Johan Comyn* Gardeyns du Reaume de *Eſcoce*, e *Alayn* per meime la grace de Deu Eveſqe de *Chatenes*, ſolempnes Meſſages & Procururs des autres Gardeyns, & des Eveſqes, Abbes, Priors, Countes & Baruns, e de tote la Commune de *Eſcoce*, ſaluz en Deu. Come les honurables Peres en Deu *Anntoyne* de *Dureme*, & *Rauf* de *Cardoyl* par la grace de Deu Eveſqes, e les Nobles homes *Johan de Garenne* & *Henry de Nichole* Countes, Sire *Guilliame de Veſcy*, e Meſtre *Henry de Newerk* Deen del Egliſe de *Everwyk*, eſpeciaus Procururs & ſollempnes Meſſages le noble Prince Sire *Edward* par la grace de Deu Roy de *Engleterre*, pur acons perils & ſuſpecions qe il auoient entendu, nus euſſent de par meimes le Roy de *Engleterre* demaunde la garde des Chaſtiens & de Forteleſces du Reaume de *Eſcoce*, & de cele demaunde departir ne voleynt ſaunz Counſeillier lou Seigneur le Roy avauntdit. Nus ſur ceo e autres choſes venimes a la preſence meimes le Roy de *Engleterre* avauntdit. Qui ſeur celes choſes conſeil e deliberation euwe, a noſtre requeſte nous graunta cele choſe delaer, deqes a la venue noſtre Dame, qe ſerra a la touz Seinz prochein avenir, ou devaunt ſi Dieu pleſt. Pur la quele choſe nus Procururs & Meſſages avauntdiz, ouek aucuns des Gardeyns des Chaſteux de *Eſcoce*, ceſt aſaver Sire *Guilliame de Seint Cler*, *Patrick de Graham*, e *Johan de Soules*, qe iloqe vindrent oue nous, en noun des avauntdiz Gardeyns, Eveſqes, Abbes, Priors, Countes & Baruns, e tote la Commune du Reaume de *Eſcoce*, grauntons, volons, & fermement promettons, qe quel hore qe la Dame veigne en *Engleterre* ou en *Eſcoce*, quite & deliure de tot mariage, eſtre celui, qe nus auons otrie; Nus icels Chaſteus e Forteleſces rendrons & ferons rendre a lavanndite noſtre Dame, e a noble Ber Sire *Edward* fiz al avantdit Roy de *Engleterre*, E de cel hore enauannt les obeirons enſemble, come a Seignour e Dame en ceſte choſe & totes autres qe al avauntdit Reaume apendent, de cel houre, qe il ſerront venuz en *Eſcoce*, e averont fet per eus ou per autres dedenz le Reaume ſerement de quel qe il ſeient en lu duw, ſolom les leys e les coſtomes de la terre de *Eſcoce*, ne a nul autre mariage ne aſſentirons, ne a autre Seigneur ne obeirons, taunt qil viueront, ſi il ne ſoit par le aſſent e la volente le Roy de *Engleterre*, e Sire *Edward* ſon fiz. E ſi la Dame ne veigne en *Engleterre* ou en *Eſcoce* entre cy e la touz ſeinz prochein avenir, nus volons e promettons pur nus & pur touz les autres du Reaume de *Eſcoce*, qe touz les Gardeyns des Chaſteus e de Forteleſces de meimes le Reaume ſeient adonqe obligez per ſerement e par eſcrit, de garder e de ſauver i ceus Chaſteus et Forteleſces al oes e en noun noſtre Dame auanntdite, e Sire *Edward* fiz e heyr le auanntdit Roy de *Engleterre*. E ſi nul des Gardeyns des Chaſteus e de Forteleſces ſeyt ou ſeyent renablement ſuſpecenous a eus ou a nous, il ſerrount remuwe taunt de foiz come meſter ſerra per commun counſeil du Roy de *Engleterre*, e de bone gent de *Eſcoce*, e as autres du Reaume nient ſuſpecenous, ſouz bone ſeurte bailleu. Memes la choſe grauntons, otrions & promettons des Gardeyns e des autres Miniſtres du Reaume.

But the ſickneſs and death of this Queen in her voyage towards *Scotland* and *England*, put a period to all the premiſed Procurations, Patents, Articles, fruſtrated this much deſired marriage between Prince *Edward* and her, and raiſed new Queſtions between the Competitors for the Crown, which of them was next Heir thereunto; who all referred the final deciſion thereof to King *Edward*, as Supreme Lord of *Scotland*, as I ſhall more at large relate in due place in ſucceeding years.

* Hiſt. Angl. p. 16.

* *Thomas Walſingham* ſtories, Anno 1290. *Circa hoc tempus* ſubente Papa Nicholao taratæ ſunt Eccleſiæ Anglicanæ ſecundum verum valorem (to raiſe his Diſmes and Exactions higher) et tunc ceſſabit taratio Norwicenſis per Innocentium quartum prius factum: who had raiſed them likewiſe in his time.

* Mat. Weſtm. p. 386. Chron. Wil. Thome, col. 1958.

Anno 1292. (18 E. 1.) in a third Parliament held at *Weſtminſter*, * *Data eſt Domino Regi à Clericis & Laicis in ſubſidium*, Quindena *omnium temporalium & ſpiritualium totius* Angliæ *circa feſtum Sancti* Andreæ *Apoſtoli*; *unde* Quindena *concernens Abbathiam Sancti* Auguſtini *de bonis eorum mobilibus ſecundum veram taxationem eorundem in omnibus maneriis ſuis* 137 l. 15 s. 11 d. q. ſo great was their

their wealth in that age. In this Parliament, *cap.* 3. there was this Proviſo added to the Statute of *Quia emptores terrarum*, to prevent alienations in Mortmain: *An.* 18 *E.* 1. *Et ſciendum eſt, quod per prædictos venditiones ſeu emptiones terrarum ſeu tenementarum, ſunt partis alterius earundem*, nullo modo poſſunt terræ ſen tenementa illa in parte, vel in toto ad manum mortuam devenire, arte vel ingenio contra formam ſtatuti duduum ſuper hoc editi: (viz. *de Religioſis*, Anno 7 E. 1.) enrolled in the Statute Rolls of King *Edw.* 1. in the Tower, printed in all our Statutes at large, in *Raſtals* Abridgements, Tit. *Mortmain*, and *Cooks* 2 Inſtitutes p. 504. How much the covetous Monks and Clergy in that age were troubled at, and grieved with this Statute againſt *Mortmain*, will appear by this cenſure of, and exclamation againſt it by * *William Thorne* a Monk of *Canterbury*. *Anno Domini* 1293. Edwardus Rex æmulorum Sanctæ Eccleſiæ inſtigatione circumventus, *ſtatuit & conſilio Procerum ſuorum ordinavit*, Quod nullus Religioſus aliqua tenementa emere vel vendere, vel ex dono alicujus aliquid percipere, aut alio qualicunque modo, arte vel ingenio quicquam adquirere; & ſi ſecus à quoquam Religioſo fuerit attemptatum, liceret Domino Regi illud ſic adquiſitum, emptum vel datum per eſcaetorem ſuum ingredi, & in perpetuum tenere in feodo & hæreditate. Heu, heu, proh dolor! quomodo non ſolum periit tunc liberalitas illa Deo grata, qua devoti Reges, Proceres, cæterique fideles pro magno deſiderio habuerant Religioſos fundare, prædia et poſſeſſiones in honorem Dei liberaliſſime conferre, et ipſos tueri: Verum ecce tunc opere hujus charitatis palam tabeſcente, et unoquoque manum ſuam a talibus beneficiis retrahente, non ſolum poſſunt Religioſi quicquam novum adquirere, quinetiam nec antiquis ſuis poſſeſſionibus propter oppreſſionem laicorum, ne dicam magnatum, proſpere ut laici gaudere; ſed his noviſſimis temporibus ſapientes hujus ſeculi horum proſperitati invidentes, ſuæque fraudi conſulentes, univerſos Religioſos ne ſic oblata acceperent, et quod nequius eſt, ſibi quicquam appropriarent, per decretum et ſenioxum judicium, ut dictum eſt, coartarunt; et ſic de eis veraciter poſſet dici, quod egreſſa ſuit iniquitas a ſenioribus judicibus qui filiam Iſrael, puta Eccleſiam, nequiter condempnaverunt.

* Chronica, col. 1961.

King *Edward* having remained beyond the Seas 3 years, 2 months, and 15 dayes, returning thence into *England*, in *Auguſt* Anno gratiæ 1289. *poſtea per* Angliam *tranſiens*, *ſuos Juſticiarios & Miniſtros*, qui in ſua abſentia muneribus execati, indicia perverterunt, et in aliis erraverunt ſecundum quantitatem tranſgreſſionum punivit; as [a] *Matthew Weſtminſter* ſtories: Which [b] *Thomas Walſingham* thus expreſſeth: *Rex auditis quæremoniis eorum* Anglicanum, *qui de Regiis Miniſtris volebant conqueri*, Juſticiarios fere omnes de falſitate deprehenſos a ſuo officio depoſuit, ipſos juxta ſua demerita gravi multans pœna. [c] *Henry de Knyghton* thus more particularly relates it; *Cumque Rex moram traxiſſet in* Vaſconia *tribus annis*, *Nunciatum eſt ei*, *quod majores regni* Angliæ *oppreſſerant & foriſfecerunt de terris ſuis*, ut theſaurum ab eis exigerent: unde divites placitantes in Banco Regis corruperant falſos Juſticiarios regni, *ſcilicet*, Thomam de Weland, Adam de Stretton, Richardum de Boyland, et alios. Unde Rex in adventu ſuo ſui Anglicani fuit auxiatus et occupatus, Thomas de Weland erulabat de Anglia et ivit in Franciam. [d] *Fabian* in his Chronicle, Anno 1289. and *William Caxton* ſtory, *That they being found guilty of ſuch treſpaſſes and cauſes as they were accuſed of, ſome of them were outlawed, and loſt ſuch goods as they had, and the other puniſhed by long impriſonment.* [e] *Ralph Holinſhed*, *Grafton*, [f] *Speed*, *Stow*, [g] *Daniel*, in their Chronicles, Hiſtories and Annals, Anno 1289. out of the Chronicle of *Dunſter*, inform us, *That in a Parliament then aſſembled the Judges upon due examination and proofe of their Extortions, were fined to pay to the King theſe ſums following*: *Sir* Ralph Hengham *Chief Juſtice of the higher Bench* 7000 *marks*, *Sir* John Lovetot *Juſtice of the lower Bench* 3000 *marks*, *Sir* William Bromton *Juſtice* 6000 *marks*, *Sir* Solomon Rocheſter *Chief Juſtice of Aſſiſes* 4000 *marks*, *Sir* Richard Boyland 4000 *marks*, *Sir* Thomas Sodington 2000 *marks*, *Sir* Walter Hopton 2000 *marks*, (*theſe three laſt were Juſtices Itinerant*) *Sir* William Saham 3000 *marks*, Robert Lothbury *Maſter of the Rolls* 1000 *marks*, Roger Leyceſter 1000 *marks*, Henry Bray *Eſcheator and Judge for the Jews* 1000 *marks*; *but Sir* Adam Stratton *Chief Baron of the Exchequer was fined in* 34000 *marks*, *and* Thomas Wayland *Chief*

a Flores Hiſt. p. 376.
b Hiſt. Angl. p. 15. Ypodigma Neuſtr. p. 72.
c De Eventib. Angl. l. 3. c. 1. col. 2466.
d Part 7. f. 132.
e Chronicle, p. 284, 285.
f Hiſtory of England, p. 651.
g Collection of the Hiſtory of England, London 1634. p. 189.

An. 18 E. 1. *Justice (found the greatest delinquent, and of the greatest substance) had all his Goods, Chattels, Jewels and Corn seised and confiscated to the King; which were it but equal to that of Sir* Adam Stratton, *these Fines brought to the Kings coffers above one hundred three thousand marks, which at the rate as money goes now amounts to above four hundred thousand marks: A mighty treasure to be gotten out of the hands of so few men; which how they could amasse in those dayes, when litigations and Law had not spread it self into those infinite wreathings of contextion as since it hath, may seem strange even to our greater getting times.* To prevent such corruption for the future, the King at that time [h] *caused all his Justices to swear,* That from thenceforth they would take no pension, fee or gift of any man, except only a breakfast, or the like present. *O divine and still necessary severity, only able to break the pernicious combination of men, that under the profession of Law and offices of Justice, make merchandize of honour, justice, law and conscience, which cannot in the end but bring forth ruine and confusion.* So these Historians: who were all mistaken (as I conceive) in the case of *Thomas Weyland,* indicted of *Felony,* (not *Bribery,* unless then reputed *Felony*) who abjuring the Realm, his Lands were thereupon seised by the King and chief Lords of whom he held, as is undeniable by the *Fine Roll* of Anno 18 E. 1. m. 5, 7, 17. Clauf. 18 E. 1. m. 7. and also by *Placita Parliamenti apud* Asherugg *in crastino* Epiphaniæ, *An.* 19 E. 1. nu. 1. where *Margery* wife of *Thomas Weyland,* and *Richard* his son, *being joynt-tenants with him of the Mannor of* Sobber *for life, the remainder to the heirs of the body of* Richard, *by a fine levied in the 6. year of the King, (which they pleaded) petitioned to be restored to the possession thereof, then seised into the Kings hands, quoad annum & vastum, quos Dominus Rex in eodem Manerio habet, & clamavit per forisfacturam dicti* Thomæ, **qui feloniam fecit, pro qua regnum Regis abjuravit.** Whereas the Mannor was not held of the King, but of the Earl of *Gloucester, & idem Comes post abjurationem illam Domino Regi satisfecit pro anno & vasto ejusdem Manerii, eo quod idem* Thomas *illud de eo tenuit; nec de consuetudine regni debeat Dominus Rex annum & vastum alicujus ten. per forisfacturum alicujus habere, nisi de liberis tenementis que idem forisfactor tenuit in feodo,* &c.

Soon after, Anno 1290. (18 E. 1.) the King out of his piety and zeal to Christian Religion, in the same Parliament by a publike Act banished all the Jewes out of *England,* and confiscated all their Houses and Lands, for their infidelitie, blasphemie, crucifying of Christian children, in contempt of Christ crucified, and clipping of his coin: which [a] *Matthew Westminster* thus relates, *Circa hos dies, scilicet* 31 Augusti, Judæorum *exasperans multitudo, quæ per diversas urbes & castra fortia habitabat per retroacta tempora confidenter,* jussa est cum uxoribus et parvulis suis, una cum bonis suis mobilibus, ab Anglia cedere circa festum Omnium Sanctorum, quod eis pro termino ponebatur, quem sub pœna suspendii transgredi non est ausa, *quorum numerus erat* (ut credebatur) 16 *M. DXI. Exierat autem tale Edictum a laudabili Rege* Anglorum *in partibus* Aquitanniæ, a qua omnes Judæi *pariter* exulabant. [b] *Thomas Walsingham* writes, *Rex eodem anno* Judæos omnes expellans de Anglia, *datis expensis in* Galliis, bona eorum reliqua confiscabit. [c] *Thomas Stubs* thus backs them, *Anno* 1290. *in* Chrastino Animarum exulati fuerunt Judæi regno Angliæ, et hoc eodem die per totam Angliam. [d] *Polydor Virgil,* adds; *Concilium* Londini *ad* Westmonasterium *habetur,* in quo imprimis agitata est ejectio Judæorum, *quorum erat per omnem* Angliam *ingens multitudo, quod sic oves ab hœdis segregarentur. Itaque* publico Edicto, jussum est, ut ultra paucos dies omnes abirent cum bonis. Illi jussis Concilii parentes, alii alio discesserunt. Ita profuga gens de Anglia in perpetuum exivit misera semper aliquo terrarum peritura, usque eo dum denique deleatur. [e] *Henry de Knyghton* subjoynes, *Cumque* (REX) *fecisset voluntatem suam Justiciariis, statim eum movebat una alia causa, de moneta quam inveniebat viliter tonsa & corrupta in præjudicium corona, & ad grave dampnum populi, per infidelitatem & maliciam* Judæorum, *sicut fuit inquisitum & inventum:* Et fecit stabiliri unum Parliamentum in quo convicti sunt Judæi de ea falsitate; et statuit, quod omnes Judæi exirent de terra Angliæ, deinceps non redituri propter eorum incredulitatem principaliter, et propter falsitatem quam eis dure imposuerunt Christiani. *Et pro hac causa cum festinatione facienda & sine dilatione explenda,* Communes Regni dederunt Regi quintum denarium de omnibus suis mobilibus. To these I might accumulate the *Black Book in the Kings Eschequer, Ranulphus Cestrensis* Polychronicon,

h Speeds History, p. 651.

i See Cooks 3 Instit. c. 68. p. 146, 147. k See Placita Parliamentaria published by Mr. Rylye, London 1661. p. 66, 67.

a Flores Hist. An. 1290 p. 377.

b Historia Angl. p. 15. Ypodigma Neustri. p. 72.

c Actus Pontif. Eborac. col. 1728.

d Historiæ Angl. l. 17. p. 327.

e De Eventibus Angliæ, l. 3. c. 1. col. 2466.

chronicon, lib. 7. ch. 38. f. 308. *Fabians* Chronicle, part 7. An. 1290. p. 131. *William Caxtons* Chronicle, part 7. Mr. *John Fox* his Acts and Monuments, Vol. 1. p. 443. *Johannes Balæus* Scriptorum Britanniæ, Cent. 4. c. 22. p. 320. & cap. 60. in Appendice. *Ralph Holinshed* his Chronicle, Vol. 3. p. 285. *Richard Grafton* his Chronicle, p. 169. *Nicholas Trivet*, *John Speed* his History of *Great Britain*, p. 650. *Samuel Daniel* his Collection of the History of *England*, p. 190. *John Stow* in his Annals, p. 204. & Survey of *London*, p. 289. Sir *Richard Baker* his Chronicle of *England*, p. 146, 147. *Henry Isaacson* his Chronologie, An. 1290. Dr. *Peter Heylyn* his Microcosme, p. 570. Mr. *Samuel Purchas* his Pilgrimage, Book 2. ch. 16. Sect. 7. All these Domestick Authors, together with *Johannes Mercer*, in Histor. Majori Brit. l. 4, c. 9. *Centuriæ Magd.* 13, cap. 15. col. 1284, 1286, & cap. 9. col. 967. *Raphael Volaterranus*, Geographiæ l. 3. f. 25. Annales Dominicorum *Colmarensium*, Anno 1291. *Gilbertus Genebrardus* Chronogr. l. 9. p. 659. *Abrahamus Bzovius*, Annal. Ecclesiasticarum, Tom. 13. An. 1291. nu. 1. col. 966. (to omit all others) unanimously attest the direct perpetual banishment of the Jews by Publike Edict out of *England*, never to return into it again. Whose Testimonies are irrefragably warranted, confirmed by several expresse Records in the *Tower* of *London*, both for the *Jewes* safe conduct out of *England*, and for their Transportation by a prefixed day upon their Exile thence, and the seisure, sale of their Houses, lands, goods escheated to the King PER EXILIUM JUDÆORUM, witness Cl. 18 E. 1. m. 6. *De* Judæis Regno Angliæ exeuntibus. Pat. 18 E. 1. m. 14. De passagio et Conductu Judæorum Angliæ. *Pro* Bonamico Judæo Eborum *& familia sua:* Pat. 18 E. 1. m. 13. *Pro* Mosseo *filio* Jacobi *de* Oxon. Judæo, *& familia sua*, Pat. 19 E. 1. m. 20. *De Judaismo Vicecomitibus & omnibus aliis Ballivis*; to collect all the profits and rents arising out of the *Jewes* Houses a tempore Exilii eorundem: the Charter and Patent Rolls Anno 19 & 20 E. 1. De Domibus Judæorum concessis post exilium eorum de Anglia: in every of which (being near 130) the King recites, Domos illas per Exilium ejusdem Judæi (therein named) a regno nostro tanquam escaeta nostra in manu nostra existentis, and by *Placita Parliamenti post* Pasch. *apud* London, An. 21 E. 1. rot. 4. the [e] Prior of *Bridlingtons* and the [f] Archbishop of *Yorks* cases, both sued by the King for 300 *l.* owing to a *Jew* ante exilium Judæorum, which belonged to the King post eorum exilium. All which I have cited at large in the first Part of *My Short Demurrer to the* Jewes *long discontinued Remitter into* England, Edit. 2. p. 43. to 66. & Part 2. p. 111, to 124. to refute Sir *Edward Cookes* grosse mistake in his 2. *Institutes*, p. 506, 507, 508. (in his Comment on the Statute De Judaismo,) where he averrs, *that the* Jewes *were never banished out of* England, *but only their usury, whereupon they voluntarily deserted it; and that this Statute was made Anno* 18 E. 1. *when as in truth it was enacted long before their banishment*, Anno 3 E. 1. as I have * *infallibly evidenced.*

An. 18 *E.* 1.

e Ryley Plac. Parl. p. 130.

f Plac. Parl. An. 21 E. 1, n. 11, 13.

In this Parliament of 18 E. 1. wherein the *Jewes* were exiled, *William de Valentia* and *Jone* his wife having procured a Bull from the Pope to the Archbishop of *Canterbury*, against the Laws and Custom of the Realm, and Prerogative of the King, to examin and determin who was lawfull heir to *William de Monte Canisio*, and to bastardize and disinherit *Dionysia* his daughter then in Ward to the King, (against the Certificate of the Bishop of *Worcester*, who had certified the Kings Court that she was legitimate) petitioned the King, to appoint a Guardian to defend her and her Estate before the said Archbishop and other Delegates of the Pope, or that they might appoint her a Gardian, if the said Bull should not seem to the King and his Council, prejudicial to the Kings Crown and Dignity: Which Petition the King and his Council in Parliament rejected upon due consideration, for 10. memorable reasons expressed in this Record and answer to his Petition.

* See here, p. 153. & The first Part of my Brief Demurrer to the Jews long discontinued Remitter into England, p 31, to 42. & Part 2. p. 66. to 70.

[a] Willielmus de Valentia *supplicavit Domino Regi*, quod cum ipse et Joanna uxor ejus haberent quandam Bullam impetratam, Archiepiscopo Cantuariensi directam, super successione in bonis quæ fuerunt Willielmi de Monte Canisio nuper defuncti, et quis vel quæ eidem Willielmo de Monte Canisio succedere debet; quod Dominus Rex tradere velit et committere aliquem Curatorem cuidam Dionysiæ filiæ prædicti Willielmi, ut dicitur; et quæ est in custodia ipsius Domini Regis, ut hæres ipsius Willielmi propinquior, ad prosequendum et defendendum pro prædicta Dionysiâ et statu

a Placita Parl. An. 18 E. 1. num. 3 Petitio Will. de Valencia & Joann. uxor. sux de prosecutione Bullæ suæ. See Ryley his Placita Parliamentaria, p 4, 5.

An. 18 E. 1. statu suo, coram prædicto Archiepiscopo et Judicibus in prædicta Bulla nominatis; vel quod Dominus Rex concedat et permittat, quod ipsi Judices eidem Dionysiæ ex Officio suo aliquem Curatorem possint committere; et profert prædictam Bullam; et petit, quod si videatur Domino Regi et ejus Consilio, quod Bulla illa non sit præjudicialis Coronæ et Dignitati Domini Regis, quod Petitio sua concedatur: Et quia Bulla illa visa, audita, et intellecta, manifeste patet, quod Bulla illa finaliter tendit ad jus successionis hæreditariæ terminandum, cum de successione hæreditaria nemo debeat cognoscere, nisi Curia Regis, vel Curia Ecclesiastica ad mandatum Curiæ Domini Regis: Et etiam si Bulla illa procederet, manifeste esset contra consuetudinem hactenus in Regno usitatam; et etiam quia Dominus Rex nuper providit, quod Appellationes non fiant, vel Causæ agitentur in Curia Christianitatis, de iis quæ a Curia Regis ibidem sunt demandata, propter multa inconvenientia quæ exinde sequerentur; et etiam quia Placita de successione hæreditaria ita ordinate se habent, quod primo per Brevia Domini Regis incipere debent in Curia Regis, et de Curia illa (si necesse fuerit) mitti ad Curiam Christianitatis, et non e converso; et etiam quia multa Placita et innumerabilia temporibus retroactis in Curia Regis placitata, et etiam Judicia super eisdem reddita irritarentur, et forte reversarentur, si Bulla ista procederet, cum forte testimonia Episcoporum vel aliorum adnullarentur vel infirmarentur; et quia prædicti Willielmus et Johanna per prædictam Bullam intendunt infirmare factum Episcopi Wigornensis (*cujus factum fuit, quod prædicta* Dionysia *filia prædicti* Willielmi de Monte Canisio *censebatur legitima*) et per Bullam illam intendunt factum illud infirmare, et prædictam Dionysiam bastardam probare et convincere; et etiam * quia quidam Symon de Ludgate, qui nuper quandam Bullam, non tam præjudicialem Coronæ Domini Regis, impetraverat, per judicium Domini Regis ad prisonam adjudicabatur ad voluntatem Domini Regis. Et si Dominus Rex Bullam istam procedere permitteret, faceret contrarium judicii per ipsum et Concilium suum redditi. Et etiam quia ipse Dominus Rex est Custos et curator prædictæ Dionysiæ secundum consuetudinem Regni, ratione custodiæ ipsius Dionysiæ; nec alium Curatorem dare poterit, nisi sibi ipsi injuriaretur; et etiam si Curatorem daret, sic daret litem Pupillo suo, quod esset inconveniens. Et etiam si Dominus Rex permitteret prædictum Archiepiscopum, aut alios Judices Curatorem dare, sic de necessitate oporteret ipsum permittere de cætero quemlibet alium Judicem delegatum, et in brevi Dominum Papam; et sic incontinenti deveniret † Ecclesia Romana in seisina cognoscendi de successione hæreditaria de Terris et Tenementis in Regno isto; quod manifeste esset contra Coronam et Consuetudinem Regni, et sic esset Curia Regia subjecta Judicibus delegatis imposterum: Videtur Domino Regi quod Curatorem prædictæ Dionysiæ licite non potest concedere, nec permittere quod prædicti Judices aliquem ei committant, *&c.* *Postea ad Parliamentum Domini Regis post* Pascha *anno prædicto, venit prædictus* Willielmus de Valentia *coram ipso Domino Rege*; et petiit, quod Dominus Rex permitteret ipsum sequi quandam Appellationem coram Archiepiscopo Cant. quam ipse Willielmus et Johanna uxor ejus fecerunt de quadam Sententia iniqua, per prædictum Episcopum Wigorn. pronunciata, super Matrimonio inter prædictum Willielmum de Monte Canisio et quandam Amiciam matrem prædictæ Dionysiæ filiæ, *&c.* contracto, ut dicitur; et etiam super legitimationem prædictæ Dionysiæ filiæ, *&c.* Quæ quidem Sententia iniqua robur perpetuum obtinebit, nisi prædictum Appellum, interpositum infra Annum a tempore appellationis factæ, sit prosecutum, secundum quod idem Willielmus a quibusdam discretis jura scripta scientibus, intellexit. Et quia prædictus Willielmus et Johanna per prædictam Appellationem intendunt prædictam Sententiam taliter infirmare, et per consequens prædictam Dionysiam filiam prædicti Willielmi de Monte Canisio bastardam probare, et sic per viam illam ad hæreditatem ipsius Dionysiæ attingere, et ipsam Dionysiam, infra ætatem et in custodia Regis existentem, de libero Tenemento suo amovere, de quo ex liberatione Domini Regis fuit admissa, quod manifeste est inconveniens et contra legem et consuetudinem Regni; Inhibitum est eidem Willielmo, quod prædictam Appellationem ante ætatem prædictæ Dionysiæ nullo modo prosequatur, *&c.*

* See 30 Ass. pl. 19. Brooke Præmunire 10. Cooke 5 Rep. f. 12.

Nota.

† *Nota.*

From which memorable Answers to these two Petitions by the King and his Counsil

Counſil in Parliament, we may obſerve: Firſt, the manifold Policies, and new Inven- *An.* 18 *E.* 1.
tions of the Popes and Court of *Rome* and their Delegates, as alſo of Biſhops and Eccleſiaſtical Courts, by degrees, to uſurp the Conuſance and determination of the Succeſſion and Rights of all Freeholds and Inheritances within the Realm to themſelves, from the King and his Temporal Courts, and to ſubject the Kings Courts to theirs, againſt his Crown, Dignitie, the ancient Laws, and Cuſtoms of the Realm. 2ly. The Kings, his Counſils, Parliaments care, and induſtry to prohibite, oppoſe ſuch uſurpations upon grave and weighty conſiderations, to prevent the manifold miſchiefs which would thereupon enſue both to the King, kingdom and ſubjects. 3ly. Their pious care to protect the rights of Infants and Wards in that age, againſt all Papal and Prelatical devices to baſtardize or diſinherit them, by Delegations or Appeals to any Eccleſiaſtical Judicatures. 4ly. That the procuring of any Bulls from *Rome* prejudicial to the Kings Crown and Dignity, was ſuch an high offence, as at leaſt deſerved impriſonment during the Kings pleaſure, and for which ſome had been formerly impriſoned by Judgement in the Kings Court, to deterre all others from procuring the like.

Afterwards in the ſame Parliament, this* *William de Valentia* exhibited another Petition concerning this matter, complaining of injuſtice in diſinheriting his wife againſt the *Earl of Cornwall*, and other of the Kings Counſil, for admitting *Dionyſia* to be right heir to *William de Monte Caniſio*, wherein the truth of the caſe is thus related by the Earl, and others of the Counſil; *Qui bene cognoſcunt & recordantur, quod prædictus* Willielmus de Valencia *prædictum breve Inquiſitionis petiit & illud optinuit, ſed dicunt, quod antequam breve illud petiit, venit quædam* Dionyſia de Monte Caniſ. *mater prædict.* Willielmi de Monte Caniſio *coram eis in pleno Conſilio, & adduxit quandam* Dionyſiam *filiam prædicti* Willielmi de Monte Caniſio, *aſſerens ipſam eſſe veriorem & propinquiorem hæredem prædicti* Willielmi *defuncti, & etiam hæredem ſuum proprium, & ut filiam & hæredem ipſius* Willielmi de Monte Caniſio *filii ſui defuncti, nomine Domini Regis admitterent. Et dicunt*, quod quia publicum et notozium ſuit, quod idem Willielmus tempoze ſuo pzædict. Dionyſiam ut filiam et hæredem ſuam tenuit, et hoc idem dum vixit in pluribus locis ſciri et pzoclamari fecit: et etiam quia Epiſcopus Wygorn. qui nunc eſt, in cujus Epiſcopatu eadem Dionyſia, *&c.* filia, *&c.* oziginem traxit, per literas ſuas patentes, quam Archiepiſcopus *Cantuar.* viva voce teſtabatur, quod eadem Dionyſia fuit filia pzædicti Willielmi legitima. *Ipſe Comes, Theſaur. & alii eandem* Dionyſiam, nomine Domini Regis admiſerunt ut hæredem pzædicti Willielmi pzopinquiozem, et pzædict. terras et tenementa cum pertinentiis nomine Cuſtodiæ ratione minoziſ ætatis ipſius Dionyſiæ in manus Domini Regis ſeiſire fecerunt. *Ideo* videtur Domino Regi, quod pzædictus Comes, Theſaur. et aliis de Conſilio ſecundum quod recozdantur bene et rite pzoceſſerunt. Which made the premiſed addreſſe by *William de Valentia* to, and Bull from *Rome* more criminal and injurious.

* Placita Parl. An. 18 E. 1. nu. 36. See Ryley p 51, 52.

As the King and Parliament paſſed this memorable Cenſure againſt the Popes premiſed Bull, and Petition grounded on it, ſo they gave a more ſevere Judgement againſt the Prior of *Trinity*, and *Bogo de Clare*, who audaciouſly preſumed to ſerve a Citation from the Archbiſhop of *Canterbury* in the Kings own Palace upon the Earl of *Cornwall*, ſitting the Parliament, as he was going to it: for which they were attached and proſecuted both at the ſuit of the King himſelf, of the Steward and Marſhal of the King, the Earl of *Cornwall*, and Abbot of *Weſtminſter*, fined in great ſines, and committed Priſoners to the Tower of *London*, as this memorable Record will more fully inform us.

* *Prior Sanctæ* Trinitatis London. & Bogo de Clare attachiati fuerunt ad reſpondend. Domino Regi, Petro de Chanet *Seneſcallo Domini Regis*, Waltero de Fanecurt *Mareſcallo Domini Regis*, Edmundo *Comiti* Cornubiæ, *& Abbati* Weſtm. de hoc, quod cum idem Comes, ad mandatum Domini Regis, ad iſtud Parliamentum ſuum London. veniſſet, et per medium majoziſ Aulæ Weſtm. verſus Conſilium Domini Regis licite et pacifice venire et negotia ſua pzoſequi debet, abſque hoc, quod aliquas Citaciones vel Summonitiones ibidem admittat, pzædictus Pzioz ad pzocurationem ipſius Bogonis, die Veneris pzoximo ante feſtum Purificationis *beatæ* Mariæ hoc anno, pzædictum Comitem in pzædicta Aula citabit, quod compareret ad certos diem et locum cozam Archiepiſcopo Cantuar. ſuper ſibi objiciendis reſponſurus;

* Placita Parl. 18 E. 1. p. 6 nu. 4. Quere la H. Com. Cornub. verſus Bogonem de Clare, & Priorem Sanctæ Trin. London.

An. 18 *E.* 1. furus; in contemptum Domini Regis manifestum et dedecus suum decem mille libzarum, et in læsionem libertatis Ecclesiæ pzædicti Abbatis concessæ per Curiam Romanam, cum pzædictus locus sit omnino exemptus a jurisdictione Archiepiscoporum seu Episcopozum quozumcunque, per libertates sibi et Ecclesiæ suæ Westm. concessas, et ad dampnum ipsius Abbatis mille libzarum, et in pzæjudicium Officii pzædictozum Senescalli et Marescalli manifestum, et dampnum non modicum; cum ad ipsozum Officium et non ad alium Summonitiones et Attachiamenta infra Palatium Domini Regis pertineat faciend. et etiam ad dampnum pzædicti Comitis quinque mille libzarum; et inde pzoducunt sectam, *&c.*

Et Prior & Bogo *venerunt*; & Prior bene cognoscit, quod ipse citabit pzædictis die et loco pzædictum Comitem, ut pzædictum est. *Et similiter prædictus* Bogo bene cognoscit, quod ipse fecit citare pzædictum Comitem, ut pzædictum est. *Sed dicit*, quod ipse omnino ignozabit quod pzædictus *locus fuit exemptus; et quod non intellexit aliquem contemptum Domini Regis, seu aliquod pzæjudicium ejus Ministris, per Citationem illam fecisse; et omnino ponit se in gratiam, misericozdiam, et voluntatem Domini Regis alto et basso. Et quia pzædicti Prior & Bogo cognoscunt pzædictam Citationem pzædictis die et loco per ipsos fuisse factam, et quæ manifeste facta fuit in contemptum Domini Regis; Consideratum est, quod pzædicti Prior & Bogo mandentur Turri London. et ibidem custodiantur ad voluntatem Domini Regis, *&c.* *Et quo ad prædict. Com. & Abbatem, datus est dies eis, die Veneris in crastino* Purificationis *beatæ* Mariæ, *&c.* *Postea* pzædictus Bogo invenit plegios subscriptos, ad satisfaciendum Domino Regi de pzædicta transgressione ante recessum suum de Westm. de instanti Parliamento, alioquin quod ipsi restituent cozpus ejus Turri London. in recessu Domini Regis; *scilicet*, Johannem de Eyville, Henricum Hose, Robertum le Vele, Radulphum Blut, Rouland de Erlei, Robertum de Radington, Willielmum de Rye, Willielmum de Nerford, & Willielmum Evereys, qui ipsum plegiaverunt in fozma pzædicta. *Et prædictus* Prior invenit plegios subscriptos; *scilicet*, Robertum de Melkele, Robertum de Gravel, Willielmum de Melkeshop, & Willielmum de Sutton, *qui ipsum* Priorem *plegiaverunt. sub eadem forma qua prædicti* Johannes de Eyville *& alii superius prædictum* Bogonem *plegiaverunt.* Postea venit pzædictus Bogo et finem fecit Domino Regi pzo pzædicta transgressione per duas mille marcas. Et recipitur per plegios, *&c.*

* *Nota.*

Et quoad prædict. Com. postea venit prædictus Bogo, et bad. eidem Comiti mille libzas pzo transgressione sibi facta. *Et idem Comes*, ad instantiam Episcopi *Dunolmen*, Episcopi *Elienſis*, et aliozum de Consilio ipsius Domini Regis, remisit eidem Bogoni pzædictas Mille libzas usque ad Centum libzas, *&c.* *Et sciendum, quod plegii de prædicto fine admittuntur* cozam Thesaurario ad Scaccarium per pzæceptum Domini Regis. *Et prædictus* Prior mittitur ibidem ad faciendum secundum quod Thesaurarius ei dicet ex parte Domini Regis.

From which Record and Judgement it is most evident; First, That the Kings Royal palace is exempted from all Archiepiscopal and Episcopal Jurisdiction whatsoever; 2ly. That the serving of a Citation therein by any Officer of the Archbishop, is an high contempt and dishonour to the King in those who serve, or procure it to be there served on any person, deserving a very great fine to the King, and imprisonment in the *Tower of London*, especially during the Kings personal presence there, and in time of Parliament, upon a Peer and Member of Parliament, and an injurie both to the Kings *Steward*, and *Marshall*. 3ly. That *Westminster* Abby was by Popes Bulls and our Kings Charters exempted from all Archiepiscopal Jurisdiction. 4ly. That the Fine and imprisonment imposed on them in this Case, was not for any breach of the Priviledge of Parliament, not here mentioned nor insisted on, (as [a] Sir *Edward Cooke*, and [b] Mr. *Elsing* mistake) but for the contempt, injury, and dishonour to the King, his Palace Priviledge, Officers, and the Court, as I have [c] *elsewhere* evidenced more at large.

a 4 Instit. p. 24

b Manner of holding Parliaments, p. 144, 145.

c The Fourth Part of a Brief Register, &c. of Parliaments [illegible]

The *Fine* and *Clause Rolls* of Anno 19 E. 1. inform us, that the King pardoned *Bogo de Clare* 1000. Marks of this his fine of 2000. Marks, and that for his Queens sake he also remitted to him 200. Marks due to the Queen for her *Aurum Regi-* [illegible] there being by ancient Custom due to the *Queen* (by her prerogative) one [illegible] for every Thousand Marks *fine* (*and so ten pound for every hundred pound*

pound fine) voluntary made and assented to with the King, for any offence over and above the fine made to or compounded for with the King; as [d] *Gervasius Tilburiensis*, and sundry [e] *Records, Presidents*, both in the *Tower of London*, and *Court of Exchequer* at *Westminster* resolve in several ages and Kings reigns.

An. 18 E. 1.

d De Necessariis Scaccarii observanciis, Dialogus 2. c. pars 2. m. 23.

26. De auro Reginæ. e Clauſ. 9 Johan. Regis, m. 10. Clauſ. 20 H. 3. m. 30. Pat. 20 H. 3. Fines 26 H. 3 m. 11. Clauſ. 29 H. 3. m. 10. Fines 29 H. 3. m. 4, 5. Clauſ. 35 H. 3. m. 13. Fines 13 E. 1. m. 7. Fines 14 E. 1. m. 27. Pat. 12 R. 2. pars 1. m. 29. in Turre London.

REX de illis duobus mille Marcis per quas *Bogo de Clare* finem fecit cum Rege pro quadam transgressione sibi imposita, et de quibus Rex ei prius pardonavit quingentas Marcas, pardonavit ei alias quingentas Marcas de gracia speciali. Et de residuis mille Marcis Rex concessit eidem *Bogoni* quod solutis Regi ducentis Marcis de residuis octingentis Marcis solvat Regi per annum ad Scaccarium Regis ducentas Marcas, unam videlicet medietatem in festo Sancti *Johannis Baptiste* proximo futuro, & aliam medietatem in festo Sancti *Hillarii* proximo sequenti, & sic de anno in annum ad eosdem terminos ducentas Marcas, quousque prædictæ octingentæ Marcæ Regi ad Scaccarium Regis solvantur. Et mandatum est Thesaurario & Baronibus de Scaccario, quod prædictum *Bogonem* inde prædictis quingentis Marcis quietum esse, & ei de dictis octingentis Marcis solutis Regi prædictis ducentis Marcis, ut prædictum est, terminos illos habere, & sic fieri & irrotulari faciant. Teste Rege apud *Assberugge* 16 die *Januarii*.

Fines 19 E. 1. m. 18. Pro Bogone de Clare.

REX Thesaurario & Baronibus suis de Scaccario salutem. Ob bonam affectionem quam Karissima Consors nostra *Alienora* quondam Regina *Angliæ* erga dilectum nobis *Bogonem de Clare* habere novimus dum vivebat, pardonavimus eidem *Bogoni* ducentas Marcas in quibus præfatæ Reginæ die quo obiit tenebatur pro *Auro sus ipsam contingente de quodam fine duorum millium Marcarum, quem idem *Bogo* fecit nobiscum pro quadam transgressione sibi imposita. Et ideo vobis mandamus, quod prædictum *Bogonem* de prædictis ducentis Marcis quietum esse faciatis. Teste Rege apud *Assberugge* 13. die *Jan.*

Clauſ. 19 E. 1. m. 10. Pro Bogone de Clare.

* *Nota.*

This *Bogo de Clare* in the same Parliament, was attached at the suit of *John de Waleys* Clerk, upon a different account, that the said *John* entring into his house in *London* on the Lords day to serve a *Citation* out of the Archbishop of *Canterburies* Court, certain of his family took and enforced him against his will, to eat the said *Citation*, together with the Seal, and also imprisoned, beat, and ill intreated him, to his dammage of 20 *l.* and in contempt of the King, to his dammage of 1000 *l.* as this Record informs us.

* Bogo de Clare *attach. fuit ad respondendum* Johanni de Waleys *Clerico de hoc, quod cum idem* Johannes *die Dominica in festo* Sanctæ Trin. *proximo præterito in pace Domini Regis &* ex parte Archiepiscopi Cantuar. intrasset domum prædicti Bogonis in Civitate London. et ibidem detulisset quasdam literas de Citatione quadam faciend. quidam de familiâ prædicti Bogonis ipsum Johannem, literas illas, et etiam Sigilla appensa bi et contra voluntatem suam manducare fecerunt, et ipsum ibidem imprisonaberunt, berberaverunt, et male tractaverunt, contra pacem Domini Regis, et ad dampnum ipsius Johannis viginti lib. et etiam in contemptum Domini Regis mille lib. et inde producit sectam.

* Placita Parl. 18 E. 1 n. 15. Querela Johannis de Waleys versus Bogonem de Clare. See Ryley Placita Parl. p. 22, 23.

Et Bogo *venit & defendit vim & injuriam, & quicquid est in* contemptum Domini Regis, et contra pacem suam, *&c. & dicit, quod non videtur ei, quod debeat prædicto* Johanni *ad prædictam querelam suam respondere. Dicit enim, quod idem* Johan. *in querela sua dicit, quod quidam de familia ipsius* Bogonis *prædict. transgress. ei fecisse debuerunt, nullas certas personas nominando, prout moris est in Curia. Nec etiam dicit quod illæ personæ de familia sua quæcunque fuerunt, per præceptum suum transgressionem illam (si quæ fuerit) fecisse debuerunt. Et sic in querela sua nec dicit ipsum* Bogonem *esse factorem nec facti præceptorem: unde petit judicium. Et super hoc idem* Johannes *quæsitus, si prædictus* Bogo *aliquam transgressionem ei fecit vel fieri præcepit? dicit, quod non; sed quod quidam de familiâ suâ quorum nomina ignorat Ideo prædict.* Bogo *quoad*

An. 18 *E.* I. *quoad sectam ipsius* Johannis *inde sine die.* Et quia Dominus Rex prædictam transgressionem sic enormiter factam, ut dicitur, tum propter Contemptum ipsi Domino Regi in præsentia sua, *viz.* infra virgam, et in Parliamento suo factum, tum propter malum exemplum temporibus futuris, tum propter audaciam delinquendi sic de cætero aliis reprimendam, permittere non vult impunitam, *dictum est prædicto* Bogoni, quod ad sectam Domini Regis inde respondeat, et quo prædict. transgress. dicitur fuisse facta infra portam suam et per manupastos et familiares suos; *Et etiam quia per quosdam testatum est, quod quædam certæ personæ tunc de familia sua, viz.* Henr. de Braban, Johannes Dunken, Rogerus de Burnham, Willielmus de Carrec, Johannes le Porter, & Henr. de Anesley fuerunt principales factores prædict. transgress. *dictum est eidem* Bogoni, *quod eos & cæteros qui fuerunt de familia sua tempore quo prædict. transgress. facta fuit, habeat coram ipso Domino Rege in Quindena* Sanctæ Trin. *&c. ad faciend. & recipiend. quod per Regem & ejus Consilium fuerit ordinand. Ad quem diem prædictum prædictus* Bogo *adduxit coram ipso Domino Rege & ejus Consilio omnes de familia sua præter prad.* Henr. Johannem, Rogerum, Willielmum & Johannem *le Porter*, & Henr. *qui incontinenter post prædictum factum recesserunt & abierunt, nec aliqua parte sunt in potestate vel amicitia vel obsequio prædicti* Bogonis *vel suorum, prout per examinationem Militum, Clericorum, & aliorum de familia ipsius* Bogonis juratorum, *& singulariter examinatorum compertum est; & qui quidem jurati dixerunt, quod prad.* Henr. *& alii prad. factum fecerunt sine præcepto & assensu ipsius* Bogonis; *& absque hoc, quod prad.* Bogo *aliquid scivit de facto illo antequam factum fuit. Et super hoc idem* Bogo *petit judicium si de præcepto, missione, vel assensu, si sibi imponeretur ad sectam Domini Regis respondere debeat antequam factores principales aliquo modo de facto illo convincantur?* Et quia per consuetudinem et legem Angliæ, nullus de præcepto, bis, et auxilio aut missione respondere debeat antequam factores aliquo modo convincantur; consideratum est quod prædict. Bogo ad præsens quoad hoc eat inde sine die, *&* prædict. Johannes de Waleys *sequatur versus factores principales prout sibi viderit expedire, si voluerit. Et insuper* Thomas de Thurbervill *de Com.* Hereford, Walterus de Molelworth *de Com.* Hunt. Willielmus de Melkesham *de Com.* Eborum, Simon. de Lundgate *de Com.* Sum. David le Grand *de Com.* Hereford. & Willelmus le Franceys *de Com.* Buck., *manuceperunt prædict.* Bogonem, *ad habendum ipsum coram Domino Rege, ad respondendum ipso Domino Regi ad voluntatem suam, cum prædict. factores de facto illo fuerint convicti,* si Dominus Rex versus eum inde loqui voluerit.

From which Record I shall observe: First, That the Archbishops Citations were much slighted and opposed in that age. 2ly. That this enforcing his Clerk to eat and swallow down his Citation, with its Seal, was complained of to, and highly resented by the King, as a contempt against his Royal authority, being within the verge of his Court and sitting the Parliament, not punished by the Archbishop with Ecclesiastical censures. 3ly. That Masters ought not to be punished for abuses, contempts or offences committed by their Servants, without their privity or assents unto them before or after their conviction, nor any to be punished as accessaries, before the principals be convicted.

There happening many contests between the Bishop of *Lincoln*, and the Masters and Scholars of the University of *Oxford*, concerning the presentation and confirmation of their *Chancellor*, whether he ought to come out of the Uuniversity in person to the Bishop, or to be admitted by his Proxies; the King by his Prerogative to advance Learning, and settle peace between them, made this friendly accord for the future, which they both subscribed in this Parliament.

* Placita Parl. 18 E. I. nu. 2. See Ryley, p. 4. Concordia inter Episcopum Lincoln. & Universitatem Oxon.

* *Cum inter venerabilem patrem* Oliverum Lincoln. *Episcopum ex una parte, &* Magistros Universitatis Oxon *ex altera,* mota esset materia discordiæ super præsentatione et confirmatione Cancellarii sui; *& idem Magistri dixerunt,* quod nunquam solebant Electum suum extra Oxon. mittere ad confirmandum, sed per nuncios suos fuerit eorum Electus semper hucusque confirmatus, et commissio Episcopo transmissa. *Et præfatus Episcopus dixisset,* quod commissio illa est de pura & libera voluntate sua: Ita quod quando commissio illa per nuncios facta fuerit, hoc fuit de pura gratia sua: et quia prædicti Magistri gratiam illam habere volebant

volebant in jus et consuetudinem, prædictus Episcopus gratiam illam continuare non intellexit. Tandem ad instantiam Domini Regis, ad istud Parliamentum suum, qui omnes contentiones volt pacificare, *partes prædicta se in hunc modum concordarunt*, viz. quod prima vice cum prædicti Magistri Cancellarium suum elegerint, prædictus Episcopus ita prope Oxon. approximabit, quod Magistri ejusdem Universitatis ad ipsum venire poterint, et Electum suum præsentare et *reddere, absque hoc, quod aliquam Electionem amittant. *Idem etiam Episcopus dixit*, quod hoc facto, ipse intendit gratiosus esse prædictis Magistris in istis et in aliis, nec intendit eos grabare sine suo merito, et credit quod successores sui eodem modo eisdem Magistris amici erunt et gratiosi: Et intendit quod alias cum Cancellarii Universitatis prædictæ erunt electi, *si idem Episcopus propè* Oxon. *fuerit*, ipsos Cancellar. admittet quando personaliter venerint; et si partibus longinquis fuerit, intendit de gratia sua illos admittere per Procuratores; set quod ad hoc non teneatur per promissionem istam, nec alio modo nisi de pura gratia et libera voluntate sua. *Et ad istam concordiam faciendam, prædictus Episcopus præsens fuit, & etiam frater* Willielmus de Leoministr. Johannes de Monemowe, Ricardus de Bradeley, Johannes de la More, & Stephanus de Herdley, Magistri prædictæ Universitatis, qui concordiæ prædictæ unanimiter consenserunt, et quorum quilibet assensam suum manu propria scripsit, *&c.* *An.* 18 *E.* 1. * redire.

There being likewise at the same time some differences between the Scholars and Townsmen of *Oxford*, formerly compremised, the King for the peace and honour of the University, whereof he had a special regard, ordered in this Parliament, that the same Accord between them should be recited and kept in his own Wardrobe.

* *Memorandum*, quod per præceptum Domini Regis Rotulis de pace et concordia inter Cancellar. et Scholares Universitatis Oxon. ex una parte, et Majorem et Burgenses ejusdem Villæ ex altera, facta, et coram Domino Rege recitata, *tradebatur per manum* Johannis de Berewyk, Waltero de Langeton *Clerico de Garderoba Domini Regis, ad custodiendum in ipsa Garderoba. Et etiam quod transcriptum ejusdem pacis concordiæ prædictæ Cancellario in uno Rotulo, & etiam prædicto Majori & Burgensibus in alio Rotulo liberabatur, ut partes prædictæ de cætero super statu suo sint certiores*, &c. * Placita Parl. 18 E. 1. nu. 22. Ryley, p. 39.

In the same Parliament, there was this memorable Suit concerning the right of Tithes, then and in former ages triable in the Kings Temporal Courts. * Radulphus *Episcopus* Karliol. *petit versus Priorem Ecclesiæ* Karliol. Decimas duarum placearum terræ de novo assartarum in Foresta de Ingelwood, *quarum una vocatur* Lynthwait, *& alia* Kirkethwait, et quæ ad ipsum Episcopum pertinent, *eo quod prædictæ placeæ sunt infra limites parochialis Ecclesiæ suæ de* Aspaterick, *& eo quod idem Episcopus & prædecessores sui toto tempore antequam placeæ illæ redactæ fuerunt in culturam, & bosco cooperta*, percipere consueverunt Decimam pannagii earundem placearum, *quousque prædictus Prior, per quandam suggestionem, tacita veritate factam*, hoc anno tulit quoddam breve Domini Regis, Justic. Domini Regis de Foresta sua ultra Trentam, et ipsum Episcopum de Decimis prædictis spoliavit injuste. Et quod Decimæ prædictæ ad ipsum Episcopum pertinent ratione Ecclesiæ suæ de Aspaterick prædict. petit quod inquiratur. per patriam, *&c.* * Placita Parl. 18 E. 1. nu. 34. See Ryley, p. 49, 50.

Et Prior venit & dicit, quod Decimæ prædictæ ad ipsum et Ecclesiam suam beatæ Mariæ Karliol. pertinent, *& non ad prædict. Episcopum. Dicit enim, quod Dominus* H. *Rex vetus*, concessit *Deo & Ecclesiæ suæ beatæ* Mariæ Karliol. *& Canonicis ibidem Deo servientibus*, omnes Decimas de omnibus terris quas idem Dominus Rex, aut hæredes sui Reges Angliæ, in Foresta prædict. in culturam redigere fecerint, *& Ecclesiam prædict. inde feoffavit per quoddam cornu eburneum quod dedit Ecclesiæ suæ prædict. & quod adhuc habet, & petit judicium*, &c.

Et super hoc venit Magister Henricus de Borton *persona Ecclesiæ de* Thuresby, *& dicit*, quod Decimæ prædict. ad ipsum ratione Ecclesiæ suæ pertinent, *& non ad prædictos Episcopum & Priorem; quia dicit, quod placeæ prædict.* de quibus Decimæ petuntur sunt infra limites parochiæ suæ; *& quod ipse & prædecessores sui semper fuerunt in possessione* percipiendi Decimas majores et minores prædict. placearum ut de jure Ecclesiæ suæ de Thuresby, *quousque prædict. Prior simul cum aliis quibusdam*

An. 18 E. 1. *busdam hoc anno*, ratione prædicti brevis, ipsum de Decimis illis spoliaverunt injuste. *Et quod placeæ illæ sunt infra limites parochiæ suæ, & quod ipse & predecessores sui semper fuerunt in possessione* percipiendi prædict. Decimas; tam majores quam minores, petit quod inquiratur. per patriam, *&c.*

Et Willielmus Inge *qui sequitur pro Domino Rege, dicit*, quod Decimæ prædictæ ad Dominum Regem pertinent, et ad nullum alium; *quia dicit*, quod prædictæ placeæ sunt infra bundas Foresiæ ipsius Domini Regis de Ingelwood; et quod ipse Dominus Rex in Foresta sua prædicta (by his Soveraign Ecclesiastical Prerogative) Villas ædificare, Ecclesias construere, terras assertare, et Ecclesias illas cum Decimis terrarum illarum pro voluntate sua cuicumque voluerit conferre potest, eo quod Foresta illa non est infra limites alicujus parochiæ. *Et petit*, quod Decimæ illæ Domino Regi remaneant, prout de jure debent ratione prædicta, &c. *Et quia Dominus Rex super premissis volait certiorari; & ut unicuique tribuatur quod junum est, assignentur* Willielmus de Vesci *Justic. Foreste sue ultra* Trentam, &c. *ad rei veritatem in premissis inquirendam, & quod inde acquisierunt scire faciant Domino Regi in proximo Parliamento suo post Pascha.* In which Parliament they certified the King and his Counsil, Quod ad captionem prædictæ Inquisitionis procedere non potuerunt ad diem coram eisdem datum, ratione cujusdam literæ Episcopi Karliol. sibi porrectæ, de inhibitione, ne aliquos ad juramentum ponerent tempore illo. *Et quam literam idem* Willielmus & Thomas coram ipso Domino Rege sigillo ipsius Episcopi signatam protulerunt: (A very high affront to Justice, and the Kings Royal direction in Parliament.) *Ideo per preceptum Domini Regis assignentur predicti* Willielmus & Thomas, & Johannes de Lithepeynes, & Michael de Harcle, *ad capiendam Inquisitionem predictam. Ita quod inde certificant Dominum Regem ad proximum Parliamentum suum post festum Sancti* Michaelis *prox. futur.* &c.

From which case it is observable: 1. That in that age it was the received opinion, as well as in this, that all Tithes in Forests and other places, which are *extra-parochial*, or without the bounds of any Parish, belong of right to the King by his Soveraign Ecclesiastical Prerogative, as Supreme Governour and Head on Earth of the Church of *England*, and as he is **persona mixta et unita cum Sacerdotibus**, as was resolved in this case, and in * *our Law-books* since; whereas no meer Layman is originally capable of Tithes. 2ly. That by his Soveraign Ecclesiastical Prerogative he might erect New Parishes, Parish Churches, and grant Tithes unto them where there were none before, without the Pope or Bishop. 3ly. That he likewise held Plea of Tithes in his Temporal Courts.

* 22 Ass. p. 75. Brook Dismes 10. 38 Ass. p. 20. 10 H. 7. 18. 2 Cooks 2 Report 44 a.

In the same Parliament of 18 E. 1. there happened two memorable cases concerning the delivery and purgation of Clerks convict, to and before their Ordinaries: The first was the case of * *Walter de Berton*, imprisoned in the Tower of *London*, being convicted before *John de Metingham* in the last Eyre in the County of *Dorset*, **De falsatione sigilli Domini Regis**; whom the King commanded to be delivered to the Bishop of *Sarum*, **qui eum petiit ut Clericum suum sub pœna et in forma qua decet, quia videtur consilio, quod in tali casu non est admittenda purgatio**; it being out of the Statute of *Westm* 1. ch. 2. which extends only to *Felony*, whereas this counterfeiting of the Kings Seal was then reputed, and afterwards declared to be *Treason*, 25 E. 3. ch. 2.

* Placita Parl. 18 E 1. nu. 38. Ryley, p. 56.

The second was the case of the Abbot of *Westminster*, by way of complaint against the Kings Justices, who summoned him being a Baron to appear before them, and seised his Temporalties for a contempt, because his Archdeacon suffered two Clerks convicted of murder, to make their Purgations before the certain day prefixed by him in Court, to which the prosecutor for the King was adjourned, and thereby prejudged; thus entred in the Pleas of that Parliament.

* Placita Parl. 18 E. 1. nu 39. See Ryley, p. 57, 58.

* *Abbas* Westmonasterii *supplicavit Domino Regi & ejus Consilio, quod cum quedam voluntas & injuria sibi per Justiciarios suos, ad placita ejusdem Domini Regis assignatos, nuper sint facta, quod factum eorum coram Domino Rege recitetur & emendetur*

detur si ipsi Domino Regi & ejus Co silio videatur, quod eidem Abbati injurietur: *An.* 18 *E.* I.
Dicit etiam, quod cum ipse habeat & habere debeat, & prædecessores sui Abbates Westm. *temporibus retroactis per concessiones & confirmationes Regum* Angliæ *habere consueverunt, returnum omnimodo um brevium & præceptorum Domini Regis, ipsum Abbatem, homines, terras seu libertates suas ubicunque infra regnum tangentium, tam coram Justiciariis itinerantibus, quàm aliis Justiciariis Domini Regis quibuscunque, & per Ballivos & Ministros suos sum. & attach. eorundem brevium & præceptorum facere:* Gilbertus de Thornton *& socii sui Justic. Domini Regis ad placita ejusdem Domini Regis assign. die Jovis in festo Apostolorum* Petri & Pauli *prox. præterit. per quendam* Barthol. le Criour *Servientem suum eidem Abbati* parato magnam Missam celebrare in Ecclesia sua Westm. *præceperunt*, quod esset coram eis in crastino responsurus de hoc, *quod ei dicerent ex parte Domini Regis. Ad quem diem idem Abbas* ob reverentiam Domini Regis, coram eisdem Justiciariis comparuit, *qui ei imposuerunt*, quod duo Clerici de morte hominis rectati, et ad sectam Domini Regis coram eis convicti per inquisitionem patriæ ex officio suo captam, liberabantur Archidiacono ipsius Abbatis ut loci Ordinario, et eos ut Clericos petenti. Et qui quidem Archidiaconus coram eisdem Justic. certum diem statuit eisdem Clericis ad purgationem suam faciendam, et eundem diem præfixit cuidam Ricardo Bostard, qui dixit se velle sequi pro Domino Rege versus eosdem Clericos de morte prædict. *Et licet idem Abbas coram eis calumpniavit*, quod esset Baro Domini Regis, et quod sine Brevi Domini Regis et ejus Returno, de talibus respondere non debuit, *per libertates suas sibi & Ecclesiæ suæ concessas, iidem Justic. super calumpniis illis certum diem ei coram eis dederunt. Ad quem diem idem Abbas tunc cum ipso Domino Rege personaliter existens, fecit defaltam coram eisdem Justic.* ob quam Justic. prædict. Baroniam suam in manum Domini Regis capere fecerunt, *& etiam per Breve Domini Regis, Vic. in quorum Com. terræ & tenementa sua sunt*, præceperunt distringere ipsum Abbatem per omnes terras et catalla, et quod de exitibus, &c. *Ita quod haberent corpus ejus coram ipso Domino Rege à die Sancti* Michaelis *in unum mensem ubicunque*, &c. *ad respondend. de facto prædicto. Unde dicit, quod Justic. prædict.* manifeste sibi injuriarunt in hoc, quod ipsum sine Brevi Domini Regis coram eis venire fecerunt, contra libertates regias sibi et Ecclesiæ suæ concessas. *Et etiam in hoc*, quod eidem Abbati injunxerunt, quod responderet coram eis de purgatione prædict. admissa, cum Dominus Rex et quo Clerici de felonia in Curia sua ad sectam suam vel alterius cujuscunque convicti fuerunt per Inquisitionem patriæ ex officio Justic. suorum captam et Ordinario cuicunque eos petenti sub pœna et qua decet fuerunt liberati, de eorum purgatione seu de die illius purgationis admittenda, statuenda, per consuetudinem in regno hactenus usitatam non se debent intromittere. *Et petit, quod Dominus Rex vocatis Justiciariis suis prædictis factum eorum audiat & intelligat, & sibi faciat quod de jure & consuetudine regni fuerit facienda.*

Et prædict. Justiciarii veniunt & bene recordantur quod duo Clerici, viz. Walterus de Thorny, & Johannes de Thorny *de morte hominis coram* Rad. de Hengham *& sociis suis nuper Justic. Domini Regis ad placita sua assign. per quandam mulierem appellati fuerunt: Quæ quidem mulier postea versus eos in secta sua facienda fecit defaltam: Ob quod consideratum fuit, quod Clerici illi quoad sectam ejusdem mulieris irent inde quieti. Et quod ad sectam Domini Regis veritas inquireretur per patriam: Per quam à die Paschæ in unum mensem convictum fuit coram ipsis* Gilberto *& sociis suis, quod prædict. Clerici de morte prædict. fuerunt culpabiles; propter quod liberati fuerunt cuidam* Waltero de Hunt. *Archidiacono ipsius Abbatis loci Ordinario, ut de felonia prædicta convicti. Qui quidem Archidiac. in præsentia eorundem Justic.* certum diem statuit de purgatione eorundem Clericorum admittenda, *& eundem diem præfixit cuidam* Ricardo Bostard, *qui dicebat, se velle sequi pro Domino Rege versus eos pro morte prædict. Et dicunt*, quod prædict. Archidiaconus ante diem statutum et præfixum prædicto Ricardo admisit purgationem illorum Clericorum, in contemptum Domini Regis manifestum, et ad sectam suam ei auferendum. *Propter quod ipsi Justic. hoc intelligentes, mandaverunt prædict. Abbati ex parte Domini Regis, quod veniret coram eis ad certum diem in querela sua contentum, ad respondendum de contemptu & transgressione prædicta. Et quia prædictus Abbas postea coram eis fecit defaltam ad diem sibi datum*, in contemptum Domini Regis iterato, *iidem Justic.*

An. 18 *E.* I. *præceperunt* distringere prædictum Abbatem, ut prædictum est. *Et dicunt, quod aliam injuriam seu voluntatem ei non fecerunt. Et petunt, quod si videatur Domino Regi & ejus Consilio, quod in processu isto erratum sit, quod factum suum per ipsum Dominum Regem & ejus Consilium emendetur. Et quia prædict. Justic. recordantur, quod prædicti Clerici ad sectam Domini Regis per Inquisitionem patriæ ex officio suo captam coram eis de felonia prædicta convicti fuerunt, ut prædict. Archidiac. loci Ordinario, eos ut Clericos petenti, sub pœna qua decet liberati,* nec est juri consonum vel hactenus in regno nostro usitatum, quod Dominus Rex vel alius quicunque fuerit, versus Clericos quoscunque de quacunque felonia rectatos, et in Curia Regis ad sectam suam per Inquisitionem patriæ ex officio Justic. captam, vel alio modo convictos, iterato sectam suam de eodem facto habeat in Curia ipsius Domini Regis, vel etiam in Curia Ecclesiastica, qualitercunque Archidiac. prædict. certum diem coram eisdem Justic. statuit de purgatione prædict. admittenda, et eundem diem præfixit prædict. Richardo minus discrete et contra consuetudinem usitatm, et etiam contra libertatem Ecclesiasticam; et etiam cum Clerici in casu consimili vel alia felonia sibi impesita de cætero nunquam se purgarent, si ad sectam Domini Regis vel alterius cujuscunque, et ad cujus sectam in Curia Regis convicti fuerint totiens respenderent in Curia Regis vel Ecclesiastica, quotiens ipse Dominus Rex vel alius quicunque sectam suam renovaret, et se velle sequi diceret; Quod omnino esset inconveniens et manifeste tam contra legem et consuetudinem Regni, quam contra libertatem Ecclesiasticam; *Consideratum est*, quod executio prædicti Writ suspendatur; et quod Terræ et Tenementa prædict. Abbatis, quæ in manum Domini Regis ratione prædicti Writ capiuntur, sibi deliberentur. *Et quod idem Abbas quoad hoc præsens eat inde sine die, salvo Domino Regi & prædicto* Richardo, *& quibuscunque aliis secta sua quæ ad eos pertinet versus prædictos Clericos seu alios quoscunq; de morte prædict. Et quod Abbas Brevia Vic. &c.*

What other Clerks convict were restored to their libertie, goods and lands upon their purgation this year; this Record will inform us.

Clauf. 18 E 1. m. 7. Pro Barth. Gogyng Clerico.

REX Vic. *Cantebrig.* salutem. Cum *Bartholomæus* dictus *Gogyng* de *Cantebrig.* Clericus, super crimine homicidii *Galfridi de Griselee* interfecti, ut dicitur, coram dilectis & fidelibus Regis *Johanne de Eyvill*, *Radulpho Basset*, & *Roberto Malet* Justic. nostris ad gaolam Regis *Cantebr.* deliberandam assignatis, rectatus, & ad requisitionem venerabilis *W. Elienſis* Electum per eosdem Justic. eidem Electo juxta privilegium Clericale, prout moris est liberatus, innocentiam super hujusmodi crimine coram eodem electo legitime purgaberit, prout idem Electus nobis per literas suas patentes significavit; Mandatum est Vic. *Cantebr.* quod bona & catalla, terras & tenementa ejusdem *Bartholomæi*, occasione mortis prædictæ per teipsum capta in manum nostram, si supradictus *Bartholomæus* fugam non fecerit, restituas eidem hac vice de gratia nostra speciali. Teste Rege apud *Westm.* octavo die *Julii.*

In the same Parliament the Earl of *Gloucester* and others seising the Temporalties of the Bishoprick of *Landaffe*, and presenting to the Benefices and Prebendaries thereto belonging, against the prerogative of the King, as appertaining to their Seigniories, and ejecting *Marcolm de Harlegh* to whom the King had committed them; he thereupon exhibited a Petition against the Earl and others in Parliament, to vindicate the Kings prerogative: which, together with the proceedings thereon are thus recorded.

Placita Parliamenti 18 E. 1. nu. 40. See Ryley, p. 59, 60, 61, 62.

* Marcolomus de Harlegh *monstravit Consilio Domini Regis per quandam Petitionem, quod cum post mortem* Willielmi de Brewose *quondam* Landaven. *Episcopi, custodia prædicti Episcopatus nomine Domini Regis sibi esset commissa; Et idem* Malcolomus *Maneria quæ fuerunt prædicti Episcopo ratione custodiæ sibi commissa in* manum Domini Regis seisire voluisset, Gilbertus de Clare *Comes* Glouc. & Hertford, *Manerium de* Landaff. *cum omnibus pertinentiis suis, & etiam Manerium de* Lankaderwader, *& omnia quæ fuerunt prædicti Episcopi* infra Dominium ipsius Com. de Clamorgan. seisire fecit in manum suam, et seisinam illam adhuc occupabat, *& Archidiaconatum*

natum de Landath & *Prebendas à tempore mortis prædicti Episcopi vacantes in Ecclesia prædicta pro voluntate sua contulit, & adhuc confert cum illas vacare contigerit,* in pꝛæjudicium Coꝛonæ Domini Regis, et exhæredationem suam manifestam; *Cum idem Comes per ipsum* Malcolomum *ex parte Domini Regis sæpius fuisset requisitus, quod seisinam prædict. Maneriorum ratione Custodiæ sibi commissæ eidem liberaret, & quod Dominum Regem Archidiaconatam prædict. & Prebendas prædictas conferre permitteret. Dicit etiam quod Comes* Hereford. *qui nunc est* fecit seisire post moꝛtem pꝛædicti Episcopi in manum suam, Willam de Donestowe, *& etiam quod* Willielmus de Brewose *senior post mortem prædicti Episcopi* seisire fecit in manum suam Willam de Bishopeston *in* Gower, *& adhuc detinet,* in pꝛæjudicium Coꝛonæ ut pꝛædictum est, *&c. Dicit etiam, quod* Edmundus *frater Domini Regis post mortem prædicti Episcopi cepit de Tenentibus Manerii de* Loncylis Cressemy *quod fuit prædicti Episcopi lxxv. solidos,* qui ad ipsum Dominum Regem pertinebant ratione Custodiæ pꝛædictæ; *Et quod Comes* Norff. & Mareschall. *Domini Regis qui nunc est, post mortem prædicti Episcopi seisire fecit in manum suam Manerium de* Macherne *in* Netherwente, *& proficua ejusdem Manerii & Exitus cepit; set cum idem tam frater Domini Regis quàm Comes* Norff. *per ipsum* Malcolmum *requisiti fuerint, prædict. Comes* Norff. *seisinam ejusdem Manerii ipsi* Malcolmo *liberare fecit, cum omnibus inde perceptis tempore seisinæ suæ,* &c. *Et etiam prædict.* Edm. *frater Domini Regis prædict. lxxv. solidos ipsi* Malcolmo *fecit liberare. Et Comes* Glouc. *& alii veniunt. Et Comes* Hereford *bene cognoscit quod prædicta Villa de* Donestowe *post mortem prædicti Episcopi seisita fuit in manum suam per Ballivos suos ipso ignorante. Et dicit, quod post seisinam illam Decanus & Capitulum Ecclesiæ* Landav. *protulerunt coram ipso Comite quandam Chartam sub nomine* Humfridi de Boun Anteceꝛꝛoꝛis sui quondam Comitis Hereford. factam, *quæ testabatur, quod idem* Humfridus *quondam Comes,* &c. *concessit, dedit, & Charta sua confirmavit Decano & Capitulo Ecclesiæ* Landavensis *prædictam Villam de* Donestowe; *tenend. sibi & successoribus suis in liberam, puram & perpetuam Eleemosinam imperpetuum. Propter quod ipse liberare fecit seisinam prædictæ Villæ prædicto Decano & Capitulo, juxta formam Cartæ prædictæ. Et dicit,* quod ipse nihil clamat in pꝛædicta villa ratione Custodiæ tempoꝛe vacationis pꝛædicti Episcopatus; Immo totum jus suum si quod habeat vel tempoꝛibus futuris habere contigerit, hoc totum Domino Regi et hæredibus suis pꝛo se et hæredibus suis concedit, relaxat, et quiet. clamat imperpetuum. *Ideo prædictus* Malcolmus. *custos habeat Breve,* quod seisire fac. pꝛædictam Willam in manum Domini Regis nomine custodiæ pꝛædict. Episcopatus: Et quod Domino Rege de Exitibus et pꝛoficuis inde pꝛovenientibus respond. &c. *Et Comes* Glouc. *dicit, quod omnes Terræ & Tenementa infra patriam de* Glamorgan *existentia sunt de Dominio suo; Ita quod* tam custodia Terrarum et Ten. pꝛæd. ad pꝛædictum Episcopatum spectantium cum pꝛædictam Sedem vacare contigerit, quam aliarum Terrarum quarumcunque in patria illa, cum custodia contigerit earundem, ad ipsum pertinet ratione Dominii sui in partibus illis, et nullum alium. *Et dicit,* quod omnes Anteceꝛꝛoꝛes sui, a tempoꝛe quo non extat memoꝛia, semper habuerunt custodiam pꝛædictarum Terrarum, et Pꝛæbendas pꝛædictæ Ecclesiæ de Landath. Sede vacante, contulerunt; *absque hoc,* quod Dominus Rex vel ejus Pꝛogenitoꝛes unquam aliquam custodiam pꝛædictarum terrarum habuerunt, seu Pꝛæbendas Ecclesiæ pꝛædictæ contulerunt, nisi casualiter sic eveniisset tempoꝛibus retroactis, quod sedes pꝛædicti Episcopatus vacasset tempoꝛe quo ipse vel aliquis Anteceꝛꝛoꝛum suoꝛum Comitum fuit infra ætatem, et in Custodia pꝛogenitoꝛum Domini Regis. *Ita quod ipsi* Pꝛogenitoꝛes habuerunt inde Custodiam ut Custodiam de Custodia ratione minoꝛis ætatis ejus seu alicujus Anteceꝛꝛoꝛum suoꝛum. *Dicit etiam, quod quidam* Richardus de Clare *quondam Comes* Glouc, *pater suus, cujus hæres ipse est, fuit in seisina de prædicta custodia prædict. Maneriorum tempore vacationis prædictæ sedis nuper præteritæ; & quod ipse post mortem suam in instanti vacatione prædictæ sedis intravit in custodia prædict. Maneriorum, ut in jure & hæreditate sua, & de quo jure prædict. pater suus obiit seisitus, & non per aliquam occupationem Domino Regi factam. Postea apud* Kingeschipton *die Lunæ prox. post festum Sancti* Lucæ *Evangelistæ anno decimo octavo prædict. Comes* Glouc. & Hertford. reddidit Domino Regi id quod ad ipsum pertinuit de Advocatione et custodia Episcopatus pꝛædicti, una cum collationibus Pꝛæbendarum et Dignitatum ejusdem tempoꝛe vacationis Episcopatus illius, ut jus ipsius Domini Regis, pꝛout Scriptum ipsius Com.

quod

An. 18 E. I.

*An.*18 *E.*1. quod Domino Regi inde fecit, plenius testatur, &c. *Et idem Dominus Rex postea de gratia sua speciali* dedit et concessit pro se et hæredibus suis eidem Comiti et Johannæ uxori suæ, karissimæ filiæ ipsius Domini Regis, advocationem et custodiam Episcopatus prædicti cum pertin. *Habend.& tenend. de se & hæredibus suis eisdem Com.* & Johannæ, cum collationibus Præbendar. et Dignitatum Episcopatus illius singulis temporibus vacationum ejusdem, ad totam vitam utriusque eorum Com. et Johannæ. Ita quod post decessum ipsorum Com. et Johannæ, Advocatio et Custodia Episcopatus prædicti, una cum Collationibus Præbendarum et Dignitatum ejusdem temporibus vacationis Episcopatus illius, ad ipsum Regem et hæredes suos integre revertentur quieta de hæredum eorundem Com. et Johannæ imperpetuum; Salva Domino Regi et hæredibus suis in singulis vacationibus Episcopatus prædict. Fidelitate ipsius qui in Episcopum ejusdem loci contigerit confirmari, *prout carta ipsius Domini Regis eisdem Com.* & Johannæ *inde facta plenius testatur.*

This case I finde more fully pressed and expressed on the Kings behalf in the Patent Roll of this year.

Pat. 18 E. 1. m. 2. intus Cedula.

* A strong Argument against Oral Traditions & their certainty.

UNiversis Christi fidelibus, &c. *Edwardus* Dei gratia Rex *Angliæ*, &c. salutem. * Memoriæ hominum labili adeo fallax insidiatur oblivio, ut ea quæ modernis temporibus plana sint et aperta, tractu temporis obscura erunt et incerta nisi scriptore testimonio fasciantur. Et ob hoc prohibide decrevit legum authoritas sententias diffinitivas in scriptis proferri, ne ea quæ juris tramite ordinata sunt et recte dispositta processu temporis in recidivæ contentionis scrupulum relabantur. Suborta siquidem inter nos ex parte una, et *Gilbertum de Clare* Comitem *Glouc.* & *Hertf.* ex altera, super advocatione Ecclesiæ *Landaven.* et Custodia temporalium prædictæ Ecclesiæ ac collocationibus Dignitatum et Præbendarum in eadem sede *Landavensi* vacante, materia quæstionis, Anno Domini MCCIC. in Chrastino Animarum *apud* Clipston *pro nobis proponi fecimus*, contra Com. prædictum, quod prætata advocatio Ecclesiæ *Landavensis*, Custodia Temporalium, et Collationes dignitatum et præbendarum in eadem Ecclesia sede *Landavensi* vacante, non ad dictum Com. sed ad nos et nostræ Coronæ dignitatem, sicut in cæteris Ecclesiis Cathedralibus Regni nostri *Angliæ* de Jure et Regni consuetudine pertinebant. Et quod progenitores nostri Reges *Angliæ* qui pro tempore fuerant præmissis uti consueberunt pleno jure, et quod piæ memoriæ *H.* progenitor noster qui proximo regnavit ante nos, in vacatione prædictæ *Landavensis* Ecclesiæ per mortem *Helyæ* quondam loci illius Episcopi, commisit Temporalia *Walerando Teutonico* Militi, qui finita administratione ad Scaccarium prætati Patris nostri reddidit ratiocinia. Et in eadem vacatione contulit unam Præbendam vacantem Magistro *Willielmo de Burgo* tunc Thesaur. Warderobæ suæ; et aliam Præbendam *Albredo de Fescampo* tunc Subthes. ejusdem Warderobæ, et Archidiaconatum *Landaven.* cuidam *Thomæ* tunc Capellano piæ memoriæ *Alienoræ* matris nostræ. Adjectumque fuerat ex parte nostra, quod Episcopi *Landavenses* qui pro tempore fuerunt, tenuerant Baroniam suam et terras et possessiones a Progenitoribus nostris *Angliæ* Regibus, et a nobis, nichilque a Domino Comite seu ipsius Progenitoribus. Et quod Ecclesia *Landavensi* vacante, Canonici ejusdem non a Comitibus, set a Regibus petunt licentiam eligendi: unde pro nobis propositum extitit, quod idem *G.* Comes *Glouc.* & *Heref.* in præsenti vacatione ejusdem Ecclesiæ per mortem bonæ memoriæ *W. de Brewos* nuper *Landavensis* Episcopi præmissas custodiam Temporalium, et collationes dignitatum et præbendarum nullo jure utens de facto, cum de jure non posset, in injuriam et derogationem Coronæ nostræ sibi biciose usurpavit. Et quia idem Comes habita super hoc deliberatione pleniori, confitebatur præmissa quæ sibi opposita fuerant ex parte nostra vera esse, Advocationemque dictæ Ecclesiæ *Landavensis*, Custodiam temporalium, et collationes dignitatum et præbendarum, ad nos et Coronæ nostræ dignitatem pleno jure pertinere, ut idem Comes præmissis Custodia temporalium, et Collationibus dignitatum et præbendarum utatur sede *Landavensi* vacante, ad vitam suam duntaxat sibi concessimus gratiose: Ita plane, quod per factum hujusmodi nobis aut nostris hæredibus per hæredes seu successores prætati Comitis super præmissis nullum penitus præjudicium generetur. Dat. &c.

Nota.

This

The Charter of the King then made to *Gilbert de Clare* and his Counteſſe, is *An.* 18 *E.* 1. thus inrolled.

REX Archiep.ſcop's, &c. ſalutem. Sciatis quod cum nos exigeremus & vendicaremus verſus dilectum & fidelem noſtrum *Gilbertum de Clare* Comitem *Glouceſtr. & Hertford.* advocationem et cuſtodiam Epiſcopatus *Landavenſis* cum pertin. una cum collacionibus prębendarum et dignitatum ejuſdem tempoze vacacionis Epiſcopatus illius, & idem Comes nobiſcum ſuper hoc placitare nolens, id quod ad ipſum pertinet de advocacione & cuſtodia Epiſcopatus prædicti, una cum collacionibus prębendarum & dignitatum ejuſdem tempore vacacionis Epiſcopatus illius Nobis reddidit ut jus noſtrum, prout in ſcripto eſuſdem Comitis nobis inde confecto plenius continetur Nos eidem Comiti & chariſſimæ filiæ noſtræ *Johannæ* uxori ſuæ graciam facere volentes ſpecialem in hac parte, dedimus et conceſſimus pro nobis & hæredibus noſtris eidem Comiti & *Johannæ* advocacionem et cuſtodiam Epiſcopatus prędicti, cum pertin. *Habend. & tenend. de nobis & hæredibus noſtris eiſdem Comiti &* Iohannæ, cum collacionibus prębendarum et dignitatum Epiſcopatus illius ſingulis tempoźibus bacacionum ejuſdem, ad totam vitam utriuſque eoźundem Comitis et *Johannæ*; Ita quod poſt deceſſum ipſorum Comitis & *Johannæ*, advocatio et cuſtodia Epiſcopatus prędicti, una cum collacionibus prębendarum et dignitatum ejuſdem tempoźibus bacacionum Epiſcopatus illius ad nos vel hæredibus noſtris integre revertantur quietæ de hæredibus eorundem Comitis & *Johannæ* imperpetuum. Quare volumus & firmiter præcipimus pro nobis & hæredibus noſtris, quod prædicti Comes & *Johanna* habeant & teneant de nobis & hæredibus noſtris advocacionem & cuſtodiam Epiſcopatus prædicti, cum pertin. una cum collacionibus prębendarum et dignitatum Epiſcopatus illius ſingulis tempoźibus bacacionum ejuſdem ad totam vitam utriuſque ipſoźum Comitis et *Johannæ*. Ita quod poſt deceſſum eorundem Comitis & *Johannæ* advocacio & cuſtodia Epiſcopatus prædicti, una cum collacionibus prębendarum et dignitatum ejuſdem tempoźibus bacacionum Epiſcopatus illius ad nos vel hæredes noſtros integre revertantur quietæ de hæredibus eoźundem Comitis et Johannæ imperpetuum, ſicut prædictum eſt. His teſtibus Venerabili patre *R. Bathonienſi & Wellenſi* Epiſcopo, *Willielmo de Valencia* avunculo noſtro, *Henr.* de *Lacy* Comite *Linc.* *Johanne de Warenna* Comite *Surr.* *Roberto Tibetot*, *Reginaldo* de *Grey*, *Waltero* de *Bello Campo*, *Petro de Chaumprent*, *Richardo* de *Boſco*, & aliis. Dat. per manum noſtram apud *Kingeſclipſton* ſecundo die *Novembris*. Which the King the next year likewiſe ratified by another Charter almoſt in the ſelf-ſame words, recorded in *Clauſ.* 19 E. 1. m. 1. *Teſte Rege apud* Hereford 2. *die* Novembris.

Rot. Cartarum Anno 18 E. 1. n. 5. Pro Gilberto de Clare Com. Glouc. & Hertf. & Johan. uxore ejus, & Brevia Regis in Tur. London. An. 18 E. 1.

After which, *Placita Parliamenti*, An. 21 E. 1. inform us, That *Comiti* Glouc. *& aliis clamantibus nuper Cuſtodiam quarundam terrarum ad Epiſcopatum* Landaf. *exiſtentium, & infra Dominium ſuum exiſtentium* tempoze bacationis ejuſdem Epiſcopatus ad ſe pertinere, de Communi Conſilio reſponſum fuit; Quod in cuſtodia Epiſcopatuum tempoze bacationis earundem, ſeu terrarum aut tenementoźum aliquoźum ad eoſdem Epiſcopatus pertinentium, licet infra Dominium ſuum extiterunt, nichil clamare potuerunt pźopter pźibilegium Regium et Coźonæ Dignitatem, ad quam ſpecialiter pertinet Epiſcopatuum bacantium cuſtodia. And in the Parliament of 22 E. 1. nu. 3. upon the Petition of the Biſhop Elect of *Landaff* to the King, the Earl of *Glouceſter* and *Hertford*; upon ſhewing this grant to him and his Wife, reſtored the Temporalties of the Biſhoprick he had ſeiſed to the Biſhop, by the Kings command.

* See Ryley p. 120, 203.

In the ſame Parliament of 18 E. 1. there were Proclamations made, and Writs iſſued to ſundry Sheriffs, againſt the Popes proviſions and appropriations of the Prebendaries of *Naſſington* and *Fenton* to two Churches and Cardinals in *Rome*, in derogation of the Kings prerogative and diſheriſon of his Crown, and that none by vertue of the Popes proviſions ſhould invade or take poſſeſſion of, or be inſtalled in, or receive the fruits thereof, or money for them, without the Kings ſpecial command, under pain of forfeiting his eſtate, and impriſonment of his body during the Kings pleaſure;

An. 18 *E.* 1. fure, who commanded all the Lands and Tenements belonging to them, to be seised into his own hands: he having * *formerly* issued out *Writs* to the like effect,

* Clauf. 17 E. 1. m. 7 dorso. Here, p 389.

* *Memorand.* quod cum quædam Provisiones factæ sunt super Præbenda de Nassyngton in Ecclesia de Lincoln. appropianda Basilicæ Principum Apostolorum de Urbe, et Præbenda de Fenton in Ecclesia Eborum appropianda Hospitali Sancti Spiritus de Urbe, in exheredationem Domini Regis manifestam, quod Dominus Rex præcepit Vicecom. Lincoln. Norht. et Eborum, et etiam mandavit Custodi Civitatis London. quod proclamari faciat publice, ne quis possessionem prædict. Præbendarum ingrediatur, ipso Domino Rege inconsulto, aut Stallum in Choris Ecclesiarum prædictarum occasione prædictarum Prebendarum occupet vel invadat quoquo modo; aut fructus earundem Præbendarum, seu pecuniam occasione fructuum eorundem recipiat, per se vel per alium, sine mandato Domini Regis speciali, * pœna incursionis rerum et corporum incarcerationis ad voluntatem Domini Regis; Dominus etiam Rex præcepit Vicecom. prædict. quod omnes Terras et Tenementa ad prædictas Præbendas pertinentia in Comitatibus suis capiant in manum suam, ita quod nullus ad ea manum apponat, donec Dominus Rex aliud inde præceperit.

* sub

3. De Provisionibus Præbend. de Nassinton & de Fenton.

After which, he issued this Writ for committing the Custodie of the Prebendary of *Nassinton* to the Bishop of *Lincoln*, with a command to him not to permit any *Roman* to enter into it, under pain of forfeiting his Barony.

Clauf. 18 E 1. m. 4. intus. De Præbenda de Nassinton.

CUM Rex nuper quibusdam certis de causis præceperit Vic. *Norht.* quod Præbendam de *Nassynton*, quæ est prædenda *Lincoln.* Ecclesiæ, cum bladis et omnibus aliis fructibus et bonis ejusdem Præbendæ caperet in manum Regis, et ea salvo custodiret, donec Rex aliud inde præcepisset. Et jam vult Rex, quod Venerabilis pater *O. Lincoln.* Episcopus Custodiam prædictam habeat sub certa forma. Mandatum est eidem Vic. quod prædictam Præbendam, cum bladis & omnibus aliis frúctibus ejusdem Præbendæ, præfato Episcopo sine dilatione liberet custodiend. sicut prædictum est. Et hoc nullatenus omittat. Teste Rege apud *Rufford.* 18 die *Septembris.*

Et memorandum, quod Rex commisit eidem Episcopo Custodiam prædictam sub forisfactura Baroniæ suæ: Ita quod idem Episcopus non permittet aliquem *Romanum* ingredi eandem Præbendam sine licentia Regis, et quod per hoc eidem Domino Regi vel Magistro *Johanni de Lacy* Præbendario Præbendæ prædictæ qui Regis insistit obsequiis præjudicium non generetur sub forisfactura prædicta.

Nicholas a Cardinal Deacon of St. *Maries* of the *Porch* in *Rome* having the year before obtained from Pope *Nicholas* a new unheard-of Provision, by his Papal authority to unite and appropriate these two Prebendaries of *Nassyngton* and *Fenton*, to two Churches in *Rome*, and endeavouring to get the actual possession of them by the Popes Bulls and processe published in the Realm, to the diminution of Gods service and the Almes of the Poor, against the piety and intention of their Founders, the manifest disherison of the King and his heirs, the dangerous consequence of such ill presidents to draw on the like, whereby the Churches should be left destitute of Ministers, maintenance, and Divine service; their Revenues being assigned to forreign uses, to Gods high displeasure, who would not have one Church and Altar robbed, to enrich or increase the services of another: The King and his Nobles in this Parliament, besides the * premised Prohibitions and Proclamations against this Innovation and Usurpation, writ and sent these memorable Letters to the Pope and all his Cardinals in general, and to this Cardinal in particular, to recall and reform this unheard-of Provision and abuse, which by their respective Oathes they were obliged to oppose, and could not permit or connive at: worthy special observation, being recorded for perpetual memory.

* See here, p. 389.

Clauf 18 E 1. m. 10. dorso. Literæ directæ Papæ & Cardinalibus, pro Præbenda de Nassinton in Ecclesia Linc. & alia Præbenda in Ecclesia Ebor.

SAnctissimo in Christo Patri Domino *Nicholao*, Divina providentia Summo Pontifici, suus devotus filius *E.* eadem gratia Rex *Angliæ*, Dominus *Hyberniæ*, &

& Dux *Aquitaniæ* ſalutem, & devota pedum oſcula beatorum. Conſiderantes propenſius, & ante mentis noſtræ oculos reducentes, illum piæ paternitatis veſtræ affectum quem ad honoris noſtri et Regni augmentum ex quodam ſpeciali favore jugiter direxiſtis, nequivimus animo comprehendere, nec credimus utique quod a tam Sancti Patris conſcientia proceſſerint collationes et executiones nonnullæ nuper in Regni noſtri partibus authoritate Apoſtolica, ut aſſeritur, publicatæ; Fertur liquidem, quod impetrante venerabili Patre Domino *N.* Dei gratia Sanctæ *Mariæ* in *Portica* Diacono Cardinali unam Præbendam in *Ebor.* et aliam in *Lincoln.* Eccleſiis Hoſpit. *Sancti Spiritus* de *Saxia* de *Urbe*, & Baſilicæ Sancti *Petri*, ſedes Apoſtolica diſtincte conferendo approprians, ſuper nanciſcenda poſſeſſione Præbendarum ipſarum executiones miſit gravisſimas, et apud noſtros regnicolas hactenus inauditas. Quæ profecto ſi ſortirentur effectum, divini cultus diminutionem periculoſe ingererent, primitivorum donatorum voluntates propulſa pietate mutarent, ſolitas Eleemoſynas Regni pauperibus ſubtraherent, ac in noſtrum et hæredum noſtrorum exhæredationem manifeſtam cederent, necnon in pernicioſum exemplum in futurum tranſirent, dum * hæ alienationes perpetuæ adjicerent ſimiles, per quas poſt temporis brevis curſum Regni noſtri deformarentur Eccleſiæ, et ceſſantibus ſtipendiis redderentur Miniſtrorum obſequio deſtitutæ, ipſarum provisis alienis utilitatibus aſſignatis. Quod gratum Altiſſimo noſtro judicio non videtur, qui cultum ſui nominis ſic ampliari deſiderat, quod ob ditationem unius Altaris aliud minime ſpolietur. Sanctæ Paternitati veſtræ igitur prona inſtantia ſupplicamus, quatinus præmiſſa circumſpectione paterna æquius decernentes, circa ea velitis zelo propitio congruum et ſalubre remedium adhibere: tepeſcere namque non poſſumus quin exhæredationem noſtram, quæ ſtatum Coronæ noſtræ contingit, ſicut ex Sacramenti noſtri vinculo aſtringimur, pro viribus evitemus. Paternitatis veſtræ beneplacitum per exhibitorem præſentium reſcribi poſcimus ſuper iſtis. Conſervet vos, &c. *An.* 18 E. 1. * *Nota.*

The Earls, Barons, and Nobles Letter to the Pope thus followes, to the ſame effect with the Kings.

SAnctiſſimo in Chriſto Patri Domino *Nicholao*, Divina providentia Summo Pontifici, Devoti filii *Edmundus* Illuſtris Regis *Angliæ* natus, *Willielmus de Valentia* Comes *Penbrock*, *Edmundus* Comes *Cornubiæ*, *Gilbertus de Clare* Comes *Glouc.* & *Hertf.* *Johannes de Warenna* Comes *Surr.* *Henr. de Lacy* Comes *Linc.* *Humfr. de Bohun* Comes *Heref.* & *Eſſex*, *Johannes de Haſtinges*, *Richardus* filius *Johannis*, *Johannes de* Sancto *Johanne*, *Willielmus de Brewoſe*, *Willielmus le Latimer*, *Rogerus de Monte alto*, & *Walterus de Hauntercumb*, Barones, et *totius Regni *Anglia* Comites, Barones et Proceres ſalutem, et devota pedum, &c. Penſata paternali affectione ac pio regimine quibus ſedes Apoſtolica priſcis temporibus Eccleſiam rexit *Anglicanam*, et Regnicolas *Angliæ* fervida nutrivit devotione, animo comprehendere nequivimus, nec credere volumus, quod a tam Sancti Patris conſcientia proceſſerint collationes et executiones nonnullæ nuper in *Anglicanis* partibus, authoritate Apoſtolica, ut aſſeritur, publicatæ. Fertur liquidem quod impetrante Venerabili Patre Domino *Matthæo* Sanctæ *Mariæ* in *Portica* Diacono Cardinali, unam Præbendam in *Ebor.* & aliam in *Linc.* Eccleſiis Sancti *Spiritus* de *Saxia* de *Urbe*, & Baſilicæ Sancti *Petri*, ſedes Apoſtolica prædicta diſtincte conferendo approprians, ſuper nanciſcenda poſſeſſione Præbendarum ipſarum, executiones miſit gravisſimas et apud nos hactenus inauditas; quæ profecto ſi ſortirentur effectum, divini cultus diminutionem periculoſe ingererent, *&c.* (*verbatim*, as in the Kings precedent Letter to the Pope.) Sanctæ igitur veſtræ Paternitati prona inſtantia ſupplicamus, quatinus præmiſſa circumſpectione paterna æquius diſcernentes, circa ea velitis zelo propitio congruum et ſalubre remedium adhibere, ad honorem Dei, ſublimationem Regni *Angliæ*, Regiæque Coronæ, quibus obſervandis aſtringimur Juramento, quod veſtro patrocinio vie veritus obſervari in noſtræ fomentum devotionis, ne Eleemoſinæ ab Anteceſſoribus noſtris *Anglicanis* collatæ Eccleſiis inde ſubtractæ, ad alios transferantur. Clauſ. 18 E. 1. m. 10. dorſo. * *Nota.*

The Kings Letters to the Cardinal who procured theſe new Proviſions and appro-

priations in particular, and to the whole Colledge of Cardinals in general, is thus recorded to perpetual memory in the Clause Rolls.

An. 18 *E.* 1.

Clauſ. 18 E. 1. m. 10 dorſo.

VEnerabili in Chriſto Patri *N.* Dei gratiâ Sanctæ *Mariæ* in *Porticu* Diacono Cardinali. *E.* Dei gratiâ ſalutem, & ſinceræ dilectionis augmentum. Epiſtola veſtra nuperrime nobis directa inter cætera continebat, quod Clerici noſtri Magiſter *J.* de *Laſci*, & *W. de Pickering*, diſpares vobis in veſtra amicitia veſtriſque obſequiis extiterant. Hoc proculdubio verum eſſe fatemur. Immo nec eorum obſequium pro nobis hactenus factum nec impoſterum faciendum veſtræ amicitiæ nobis gratæ aliqualiter comparamus, quam amicitiam noſtris temporibus non ſolum perſeveranter continuari, & continuis incrementis cupimus augmentari, et in hiis quæ vobis cedere poterunt in honorem ſine Coronæ noſtræ læſione favorem vobis Regium impertiri. Prohibitiones tamen vobis factæ de Præbendis *Ebor.* et *Linc.* manifeſta cederent in noſtram exhæredationem, Coronæ noſtræ Regiæ læſionem, et ſcandalum populi, ſi optatum a vobis ſortirentur effectum. Idcirco nos, qui ad conſervationem ſtatus Coronæ noſtræ aſtringimur Juramento, quantumcunque honorem veſtrum et commodum optemus, ipſas Prohibitiones non poſſumus nec volumus ſuſtinere; Set * nec Proceres et Magnates Regni noſtri ipſas æquanimiter permitterent, etiamſi vellemus. Quod inſuper Nuncios veſtros recommendaſtis veſtræ innoteſcat paternitati, quod non ſolum illi ſet etiam omnes veſtris negotiis in Regno noſtro Deo propitio erunt tuti. Conſervet, &c.

* *Nota.*

Ibidem.

AMabilium Deo Patrum, Sacroſanctæ *Romanæ* Eccleſiæ Cardinalium Cetui Venerando, *Edwardus*, *&c.* Salutem & ad beneplacita ſingulorum & omnium paratiſſimam voluntatem. Conſiderantes propenſius, & ante mentis noſtræ oculos reducentes ſincerum affectum, quem ad honorem noſtri & Regni noſtri augmentum jugiter direxiſtis, nequimus animo comprehendere, nec credimus utique quod de Conſcientia tam Sancti Collegii proceſſerint Collationes et Executiones nonnullæ nuper in Regni noſtri partibus authoritate Sedis Apoſtolicæ, ut aſſeritur, publicatæ. Fertur ſiquidem, quod impetrante Venerabili patre Domino *N.* Dei gratia Sanctæ *Mariæ* in *Porticu* Diacono Cardinali, unam Præbendam in *Ebor.* et aliam in *Linc.* Eccleſiis Hoſpit. *Sancti Spiritus* in *Saxia* de *Urbe*, et Baſilicæ *Sancti Petri* dictas ſedes diſtincte conferendo approprians, ſuper nanciſcenda poſſeſſione præbendarum ipſarum, executiones miſit graviſſimas et apud noſtros Regnicolas hactenus inauditas: Quæ profecto, ſi ſortirentur effectum, divini cultus diminutionem periculoſe ingererent, *&c.* (*verbatim* as in the precedent Letter to the Pope.) Benevolentiam veſtram igitur ex mutua confidentia, requirimus et rogamus attente, quatinus præmiſſa circumſpectione probida æquius diſcernentes, circa ea velitis zelo propitio congruum et ſalubre remedium procurare, tepeſcere namque non poſſumus, quin exhæredationem noſtram quæ ſtatum Coronæ noſtræ contingit, ſicut ex Sacramenti vinculo aſtringimur, pro viribus evitemus. Diſcretionis veſtræ beneplacitum per exhibitorem præſentium reſcribi poſcimus. Conſervet vos, &c.

It ſeems theſe Prohibitions and reſolute Letters prevented theſe and all ſuch like Proviſions and appropriations for the future, which the Pope and Cardinals could no wayes juſtifie nor excuſe.

In a Bundle of Writs, Anno 17 & 18 E. 1. in the White Tower Chapel, I found this Letter of *Vezano* the Popes Nuntio, to Pope *Nicholas* the 4. who by his Bulls authorized and commanded him to proceed in an Appeal to him and the Court of *Rome*, at the proſecution of the Nephew of Pope *Innocent* the 4th. Rector of the Church of *Hugnate* within the Dioceſſe of *Yorke*, grounded upon a contract for Debt belonging to the Kings Courts, contrary to the Kings Prohibitions to him; which the Kings Judges, together with the King, his Counſil, and Nobles, upon ſerious conſultation, refuſed notwithſtanding his importunitie to permit him to proceed in, as being againſt the Kings Crown and Dignity; whereupon he ſent back his Bull to the Pope, as his Letter to him more at large relates.

Sanctiſſimo

An. 18 E. 1.
Brevia Regis An. 17 & 18 E. 1. in Turre London.

SAnctiſſimo Patri Domino *N.* Divina providentia Summo Pontifici, *Giffredus de Vezano* Cameræ ſuæ humilis Clericus, pedum oſcula beatorum. Sanctitati veſtræ remitto literas Apoſtolicas quæ ſic incipiunt. —— NICHOLAUS *Epiſcopus Servus ſervorum Dei, dilecto filio Magiſtro* Gifredo de Vezano *Canonico Camerasen. Cameræ noſtræ Clerico*, Apoſtolicæ ſedis Nuntio, in Anglia commorantі, *ſalutem & Apoſtolicam benedictionem. Sua nobis* Albertus Arcilis, Nepos felicis recordationis Innocentii Papæ quarti Prædeceſſoris noſtri, *Rector Eccleſiæ de* Hugnate Eboracenſis *Dioceſis, petitione monſtravit, &c. Et ſic finiunt. Datum* Romæ *apud Sanctam* Mariam *majorem*, 15 *Kal.* Aprilis, *Pontificatus noſtri anno ſecundo.* —— Quas, poſtquam habueram reſponſum a Juſticiariis Illuſtris Domini Regis *Angliæ*, quod reſpondere nolebant mihi ſine Rege, utrum Prohibitiones Regiæ mihi præſentatæ locum habere deberent, vel poſſem procedere eis non obſtantibus, retinueram oſtendendas ipſi Domino Regi, ut videre poſſet, quod de cognitione cauſæ appellationis, contentæ in eiſdem Apoſtolicis literis, per ſe vel ſuos ſe intromittere non debebat; et pateretur, quod, non obſtantibus dictis Prohibitionibus ſine ejus offenſa poſſem mandatum Apoſtolicum adimplere. Supplicans flexis genibus, ne ad inobedientiam vel infidelitatem ſervi Dominus imputet, ſi mandatum contentum in ipſis Apoſtolicis literis efficaciter non implevi, quia ipſi Domino Regi præfatas Apoſtolicas, et prohibitiones ex parte ſua, mihi præſentatas, tradidi; et ei ſuper ipſo negotio expoſui diligenter, quæ exponenda vidi; requirendo et ſupplicando, quod ſuper hoc prohibere vellet, quod ejus et Eccleſiæ Romanæ deceret honorem. Tandem idem Dominus Rex, habita deliberatione, ſuper ipſis Apoſtolicis literis et Prohibitionibus, cum * Conſilio ſuo, in quo fuerunt plures Comites, Barones et Prælati, vocari me fecit et reſponderi in ejus et dicti Concilii præſentia: Quod cognitio contractus de Debito, (de quo fit mentio in Apoſtolico reſcripto) de antiqua et approbata conſuetudine ſpectabat ad Coronam et Dignitatem Regiam, et ipſe et ſui Anteceſſores uſi fuerant cognitione hujuſmodi contractuum. Et ex quo præfatus contractus erat fundamentum negotii, ne per hujuſmodi appellationes jure Regio defraudari poſſet, quod procederem in ipſo negotio ſubſtinere nolebat; aſſerendo, quod ſi etiam ipſe vellet, * Barones nullo modo ſubſtinerent, quod Prohibitiones (Regiæ) locum in hoc et aliis ſimilibus non haberent. Datum *London.* ſeptimo Kal. *Februarii.* Anno Dom. 1289.

* *Nota.*

* *Nota.*

A moſt pregnant Teſtimony of the Popes own Nuncio to the Pope himſelf, both of the Kings, his Juſtices, Counſils, Barons, Nobles care, vigilancie, ſtrenuous oppoſition, and deliberate, peremptory reſolution againſt this new Papal encroachment by Appeals, upon the antient rights and prerogatives of his Crown and Courts.

As the King was thus carefull to defend the rights of his Crown and Courts againſt the Popes, ſo likewiſe againſt his own Prelates and their Officials uſurpations in their Eccleſiaſtical Courts; witneſs theſe Writs of Attornie, to proſecute perſons for ſuing in Court Chriſtian againſt the Kings prohibition, for goods and Debts, not of Teſtament or Marriage.

Edwardus, &c. Dedimus vobis poteſtatem recipiendi Attornatos *Remundi* Vicarii Eccleſiæ de *Lannohan.* quos coram vobis loco ſuo attornare voluerit, ad lucrandum vel perdendum in loquela quæ eſt coram Juſticiariis noſtris de Banco per Breve noſtrum inter *Ricardum de Strengelleſt* & prætatum *Remundum* de eo, quod idem *Remundus* ſecutus eſt placitum in Curia Chriſtianitatis de Catallis et Debitis quæ non ſunt de Teſtamento vel Matrimonio contra Prohibitionem noſtram. Et ideo, &c. Teſte *Edmundo* Com. *Cornub.* Conſanguineo noſtro apud *Weſtm.* x. die *Decemb.* Anno Regni noſtri Decimo ſeptimo.

Brevia Regis An. 17 E. in Turre London.

In another Bundle of Writs to make Attornies, *Anno* 18 *E.* 1. in the Tower, I finde three Writs to proſecute Suits before the Kings Juſtices *de Banco:* The firſt, * *inter* Thomam le Venour *de* Settewell, & Simonem Meone, de eo quod idem Simon ſecutus eſt placitum in Curia Chriſtianitatis de Catallis et Debitis, quæ non ſunt de Teſtamento vel Matrimonio. *Teſte meipſo apud* Melburne 12 *die* Januarii, *anno regni noſtri* 18.

* Brevia Regis Anno 18 E. 1. in Turre London.

An. 18 *E.*1. The second, and third, *inter* Willielmum de Heyvile, & *Magistrum* Adam de Boudon, **quia idem** Adam **tenuit tale placitum in Curia Christianitatis**, &c. *Teste Rege apud* Turrim London. 16 *die* Junii, *Anno* 17. & 21 *die* Octobris *Anno* 18. And the like Writ of Attorney issued for * *Henry de Punce* prosecuted before the Kings Justices at *Westm.* by *John de Gras*, **quod idem** Henricus **secutus est placitum in Curia Christianitatis de Catallis et Debitis, quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem nostram.** *Teste meipso apud* Bristol. 26. *die* Decembris. *Anno regni nostri* 13. there usually omitted.

* Bundela Brevium An. 13 E. 1. in Turre London.

In two other parcels of Writs in the *White Tower*, Anno 18 E. 1. there are these Writs.

Brevia Regis An. 18 E. 1. in Turri London.

EDwardus, &c. *Vic.* Canc. &c. *Si* Benedictus Kyld *pone*, &c. *fratrem* Thomam *Priorem de* Rofs, *quod sit coram Justiciariis nostris apud* Westm. *à die Sancti* Johannis Baptistæ *in Quindecim dies*, *ostensurus*, **quare tenuit placitum in Curia Christianitatis de Catallis et Debitis, quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem nostram.** *Pone etiam per vadium & salvos plegios Magistrum* Ricardum de Nedham *personam Ecclesiæ de* Northflete, *quod tunc sit ibi*, *ostensurus*, **quare secutus est idem placitum in eadem Curia, contra Prohibitionem nostram**, &c. *Teste meipso apud* Westm. 18 *die* Junii, *anno regni nostri* 18. The like Writ issued at the Kings Suit, *Vic.* Surr. *versus* Petrum *de Sancto* Mario, & Willielmum de Sardinia, **quare tenuerunt placitum in Curia Christianitatis de Catallis et Debitis** *Decan. & Capit. beati* Petri Exon. &c. *Teste*, &c. *apud* Wynton. 20 *die* Aprilis, *anno regni nostri* 18.

To which I shall subjoyn this Prohibition, which I found in another Bundle of Writs, Petitions, and Privy Seals, Annis 17 & 18 E. 1. in the *White Tower* Chappel, wherein are extant not only the Original Writs for the elections of 2. or 3. Knights for every County to serve in Parliament, with the names of the Knights elected, and their Manucaptors endorsed on them, (the first of this kinde I have yet discovered) but likewise this Writ to the Official of the Archbishop of *Yorke*, for suing several persons *ex officio mero & promota* to excommunicate them for rashly laying sacrilegious hands upon *William of Derlington* a Clerk, against the Canonical Sanctions, upon these ensuing Articles.

Bundela Brevium 17 & 18 E. 1. in Turre London.

* Synodus Exoniensis, An. 1287. & others Spelmanni Concil. Tom. 2. p. 383, 428, 310, 311

Nos Officialis Curiæ Eborum, *ex* **nostro Officio** *objicimus tibi* Roberto de Clyff *manenti in* Thornton, *quod* **in Sententiam Excommunicationis a Canone latam incidisti; pro eo, quod manus sacrilegas in Dominum** Willielmum de Derlington *Capellanum* **temere injecisti.** *Quod ita notorium est in partibus de* Thorneton, *& ita divulgatum, quod nulla possit tergiversatione celari; Unde intendimus* ob salutem Animæ tuæ te corrigere in præmissis, quatenus * Canonicæ Sanctiones permittunt et facere suadent in hac parte. *Salva nobis in omnibus juris beneficio.*

Nos Offic. Curiæ Eborum ex officio nostro *objicimus vobis* Ascino Grot, Aschino Marescallo, Roberto Fyke, Thomæ de Clyff, *manentibus in* Thorneton, *quod* in sententiam Excommunicationis a Canone latam incidistis; pro eo, quod manus sacrilegas in Dominum Willielmum de Derlington *Capellanum* temere injecistis, &c. *ut supra. Unde intendimus*, ob salutem Animarum vestrarum, vos corrigere in præmissis, quatenus Canonicæ Sanctiones permittunt et facere suadent in hac parte. *Salvo nobis in omnibus juris beneficio.*

Nos Offic. Curiæ Eborum. ex nostro officio *objicimus tibi* Willielmo de Wagelbardby, quod in sententiam Excommunicationis a Canone latam incidisti; pro eo, quod manus sacrilegas in Dominum Willielmum de Derlington *Capellanum* temere injecisti; *Quod ita notorium est*, &c. (*ut in primo articulo supradicto.*)

In Dei nomine Amen. Dico & in jure propono coram vobis Domine Officiali Curiæ Eborum, *seu vestro Commissario quocunque*, *ego* Willielmus de Derlington *Capellanus*, *contra* Petrum *dictum* Skar, *& contra quemlibet legitimè intervenientem pro eodem*; *Quod dictus* Petrus, Dei timore pariter et humano pudore prorsus abjectis, manus sacrilegas in me temere injecit, in Animæ suæ periculum, et mei præjudicium

cium non modicum et gravamen, ac scandalum plurimorum; et sic in sententiam Excommunicationis majoris a Canone latam, ipso facto, dampnabiliter incidebat. *Quare peto (probatis de jure probandis)* dictum Petrum in Excommunicationis sententiam sic incidisse, per vos pronunciari, ac publice excommunicatum denunciari, quousque beneficium Absolutionis in forma juris meruerit obtinere. *Hæc dico, propono & peto*, divisim seu conjunctim, prout mihi melius videbitur expedire. *Artans me ad ea dumtaxat probanda, quæ mihi sufficient in hoc casu ad victoriam obtinendam: Salvo mihi in omnibus juris beneficio.* *An.* 18 E. 1.

These suits thus prosecuted on these Articles for this Trespasse, properly belonging to the Kings Crown and Temporal Courts, before * *Articuli Cleri*, only *pro salute animæ*, procured this memorable Prohibition thereupon. * An. 9 E. 2. c. 4 See Cooks 2 Instit. p. 490.

EDWARDUS Dei Gratia Rex *Angliæ*, &c. Officiali Archiepiscopi *Eborum*, & ejus Commissar. salutem. Cum placita de transgressionibus, contra pacem nostram factis, in Regno nostro, ad Coronam et Dignitatem nostram specialiter pertineant, ac *Willielmus de Derlington, Willielmum de Wlgardby, Robertum de Clyffe, Thomam* filium *Roberti, Robertum Fykedun, Ascinum Grot, Ascimum le Mareschal*, & *Petrum Skat* Laicos, super hujusmodi transgressionibus, trahat in placitum coram vobis in Curia Christianitatis; in læsionem Coronæ et Dignitatis nostræ, et grave dampnum ipsorum *Willielmi de Wggewardby, Roberti, Thomæ, Roberti, Ascini, Ascimi* & *Petri Skat*, *ut ex querela sua accepimus*; Vobis prohibemus, ne placitum illud teneatis in Curia Christianitatis; maxime cum hujusmodi placita ad nos et non ad alium pertineant in Regno nostro, ac nos super hiis et aliis quarum cognitio ad nos pertinet parati sumus eidem *Willielmo de Derlington* et aliis quibuscunque in Curia nostra plenam et celerem justitiam exhibere. Teste meipso apud *Westm.* 28. die *Januarii*. Anno Regni nostri Decimo octavo. Ibidem.

That neither the Popes Bulls, Provisions or awards, nor Archbishop of *Canterburies* Ordinances concerning the erection or division of Prebendaries in *England*, were of any validity in Law in that age, without the Kings Royal assent and confirmation under his Great Seal; and how the Archbishop did and might deprive the Popes own Chaplains of Churches in *England*, these Records will inform us.

REX omnibus, &c. salutem. Inspeximus literas patentes venerabilis patris *J. Cantuariensis* Archiepiscopi, totius *Angliæ* Primatis, factas super Præpositura & Præbendis in Ecclesia de *Wengham*, per ipsum Archiepiscopum ordinatis & distinctis, in hæc verba. *Universis sanctæ matris Ecclesiæ filiis ad quorum noticiam præsens scriptura pervenerit, Frater* Johannes *permissione divina* Cantuariensis *Archiepiscopus, totius* Angliæ *Primas, salutem in Domino sempiternam.* Cujta dudum in Romana Curia super Ecclesia de Wengham nostræ Dioc. materia quæstionis, inter Dominum Tedisium de Camilia Domini Papæ Capellanum, *ex parte una*, et nos, ac quosdam Clericos nostros quibus dictam Ecclesiam cum suis Capellis post privationem de prædicto Tedisio canonice per nos factam contuleramus, *ex altera*, eadem causa ibidem aliquandiu agitata, tandem interveniente assensu et auctoritate Sanctissimi patris Domini Honorii Papæ quarti; *Reverendus pater Dominus* Bernardus Portuensis *Episcopus, Sanctæ* Romanæ *Ecclesiæ Cardinalis, cujus arbitratui, dispositioni, dicto, laudo, diffinicioni & decreto aliè & bassè tam dictus* Tedisius *pro se, quàm discretus vir Magister* Willielmus de Marduna *Juris Civilis professor, noster & prædictorum Clericorum in hac parte specialis Procurator, habens ad hoc mandata sufficientia se submittere curaverunt, prædicta liti & contentioni pacificum finem imponens*, recepta prius ipsius Tedisii cessione et renunciatione de præfata Ecclesia de Wengham et pertin. suis, ac etiam omni jure et actione sibi competentibus et competituris quomodolibet in eisdem auctoritate Apostolica super hoc sibi commissa, *inter alia disposuit, statuit & decrevit Ecclesiam de* Wengham *de Præposito & decem Canonicorum secularium collegio per* Cantuariensem *Archiepiscopum tanquam ejusdem patronum Ecclesiæ ordinandam, & ipsius proventus in Præposituram & certas ac distinctas Prabendas prout facultates suppetirent dividendos*, juxta concessionem Pat. 18 E. 7. m. 26. De ordinacione & divisione Præposituræ & Præbendarum in Ecclesia de Wengham.

et

An. 18 E. 1 et auctoritatem felicis recordationis Domini Gregorii Papæ decimi, super hoc procurante bonæ memoriæ Roberto prædecessore nostro Archiepiscopo Cantuariensi commissam, sicut in litera Apostolica super hoc confecta plenius dinoscitur pertinere. *Advertentes itaque ordinacionem & diffinicionem dicti Domini Cardinalis* in divini cultus augmentum cedere et prosperiorem dictæ Ecclesiæ statum, *cupientesq; eam prout decet effectu prosequendo complere*, juxta beneplacitum Sancti patris Domini Honorii prædicti ratificantis et confirmantis, ex certa scientia tam concessionem et ordinationem Domini Gregorii, quam etiam decretum prædicti Domini Portuensis, ad Dei gloriam, et honorem, Apostolica auctoritate prædicta, *statuimus, ordinamus, instituimus, & perpetuò stabilimus in Ecclesia de* Wengham, unam Præposituram et Canonicatus fer cum suis Præbendis, quas nostræ collacioni et successorum nostrorum, salvo semper pro suo tempore jure Regio, specialiter reservamus. *Quas quidem Præposituram & Præbendas in eisdem porcionibus & proventibus consistere volumus quibus ipsas singillatim expressimus in ordinacione quam super divisione proventuum & facultatum Ecclesiæ prædictæ & Capellarum ad ipsam spectantium, ac etiam informatione ipsius Collegii & Ministrorum Ecclesiæ lacius prout expedit pertractamus. Ipsas autem sex Præbendas hiis propriis duximus exprimendas vocabulis*, Chilton, Peddingge, Tineham, Bonigton, Rettlinge, Wymelingeweld: *Quarum duæ primæ sunt* Presbyterales, *duæ secundæ* Diaconales, *& duæ ultimæ* Subdiaconales, sicut in prædicta litera Domini Papæ Gregorii continetur. *Omnibus itaque dicto Collegio & huic sacræ institutioni pacem & unitatem servantibus sit pax & gloria à Domino Jesu Christo. Acta & data apud* Suthmalling. 12 *Kal.* Marcii, *Anno Domini* 1286. *Ordinationis nostræ nono.* Nos autem prædictas ordinationem et divisionem Præposituræ et Præbendarum prædictarum ratas habentes et gratas, eas pro nobis et hæredibus nostris concedimus et confirmamus, sicut literæ prædictæ rationabiliter testantur. In cujus, &c. Teste Rege apud *Westm.* septimo die *Junii*, *anno regni nostri* 18.

Ibidem. REX omnibus, &c. salutem. Ordinationem venerabilis patris *J. Cantuariensis* Archiepiscopi, totius *Angliæ* Primatis, factam in Ecclesia de *Wengham* suæ Diœcesis, de Præposito & decenti Canonicorum secularium collegio, ac divisionem proventuum & facultatum ejusdem Ecclesiæ in Præposituram, & certas ac distinctas Præbendas, necnon cotidianam distribucionem & dividendas annales, sicut in literis patentibus ipsius Archiepiscopi quas inspeximus factum ipsum plenius continetur, ratas habentes et gratas, eas pro nobis et hæredibus nostris concedimus et confirmamus, sicut literæ ipsæ rationabiliter testantur. Teste ut supra.

How pernicious Appropriations of Parish Churches, made by Popes and Archbishops to Hospitals and Abbies, were to Gods Service, the souls, bodies of the Parishioners, and how offensive to them; and that they could not be appropriated or disappropriated by the Pope or Archbishop, but by the Kings Royal assent and license, these Records will evidence.

Par. 18 E. 1. m. 26. De revocatione Ecclesiæ de Racolure. REX omnibus, &c. salutem. Inspeximus literas patentes venerabilis patris *J. Cantuariensis* Archiepiscopi, super revocatione Ecclesiæ de *Racolure* in statum pristinum, in hæc verba. *Universis sanctæ matris Ecclesiæ filiis ad quorum noticiam præsens scriptura pervenerit, Frater* Johannes *permissione divina* Cantuariensis *Archiepiscopus, totius* Angliæ *Primas, salutem in Domino sempiternam. Dudum bonæ memoriæ Dominus* Robertus *prædecessor noster, ut cameram Archiepiscopalem ab onere præstationis cujusdam magnæ quantitatis pecuniæ quam de* Herbaldon *leprosorum, & de* Northgate *pauperum, Hospitalia nostræ Diocæsis, pro sustentatione infirmorum & pauperum ipsorum Hospitalium ex antiqua consuetudine consueverunt annuatim percipere, & tam beati* Thomæ *quàm aliorum Archiepiscoporum* Cantuariensium *successorum ipsius tempore usque ad tempus ejusdem* Roberti *adtunc perceperant, liberaret, Ecclesiam de* Racolure *ejusdem Diocæsis ad liberam collacionem* Cantuariensis *Archiepiscopi pertinentem*, in proprios usus ipsis Hospitalibus in compensationem ejusdem quantitatis, *concessit, Capituli* Cantuariensis *ad hoc procurato consensu. Nos autem prædicto* Roberto *immediatè permittente Domino succedentes, ac advertentes sollicitè*, inconsideratam appropriationem in Ecclesiæ ac Hospitalium prædictorum grave

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præjudicium ac jacturam multipliciter redundare, cum et * Ecclesia ipsa ex hoc debitis, et ab antiquo consuetis defraudetur obsequiis, et animarum cura non absque gravi periculo in ea damnabiliter negligatur, quodque parochiani ejusdem Ecclesiæ ipsam leprosis subesse ac hujusmodi appropriationem molesse ferentes pro eo quod ipsis Rectoris solacio destitutis per eam suffragia spiritualia subtrahuntur eis, de juribus ipsius Ecclesiæ non respondent, sicque dicta Hospitalia de redditibus ipsius Ecclesiæ, licet plus valere dicantur, debitam nequeant percipere quantitatem. Volentes quoque animarum saluti et dictorum Hospitalium utilitatibus in hac parte consulere, et tam in spiritualibus Parochianorum quam in temporalibus Hospitalium prædictorum commodis providere, Sanctissimi patris Domini Nicholai Papæ quarti ad hos per literas Apostolicas concurrente beneplacito et mandato; *& etiam Capituli nostri, ac dictorum Hospitalium, & ipsorum Custodis accedente consensu*, Ecclesiam de Racolure suprædictam in statum pristinum revocamus, *& Archiepiscopalem Cameram juxta pristinam ordinationem & consuetudinem prædictam ad eandem pecuniæ quantitatem quam ante* appropriationem *hujusmodi ab ipsa percipere consueverant dictis Hospitalibus annis singulis persolvendam pro nobis & successoribus nostris imperpetuum* obligamus. *In cujus rei testimonium præsentem scripturam sigilli nostri fecimus appensione muniri. Dat. apud* Lammeheth 7. *Kal.* Julii, *Anno Domini* 1290. *Ordinationis nostræ duodecimo.* Nos autem prædictam revocationem et onerationem Cameræ Archiepiscopalis Cantuar. ad sustentationem infirmorum prædictorum sic ordinatam, ratas habentes et gratas eas pro nobis et hæredibus nostris, quantum in nobis est, concedimus et confirmamus, sicut literæ prædictæ rationabiliter testantur. In cujus, &c. Teste ut supra.

An. 18 *E.* 1.

* *Nota.*

REX omnibus ad quos, &c, salutem. Cum Præbenda de *Dale* ab olim pertinens extiterat ad mensam & proprietatem *Cantuarien.* Archiepiscopi cujuscunque, & per plures Archiepiscopos diversis personis fuerit successivè collata, ac ab hujusmodi usibus quasi perpetuò alienata. Et jam Præbenda illa per venerabilem patrem *J. Cantuarien.* Archiepiscopum, totius *Angliæ* Primatem, ad jus & proprietatem mensæ Archiepiscopalis prout consuevit antiquitus, **authoritate sit Apostolica revocata et plenarie restituta. Nos hujusmodi revocationem et restitutionem in omnibus acceptantes, authoritate Regia præcipimus et perpetuo stabilimus, ut nunquam de cætero dicta Præbenda a quocunque sine nostra licentia in usus alios convertatur.** In cujus, &c. Teste Rege apud *Westm.* 15 die *Febr.*

Pat. 18 E. 1. m. 38. Pro Archiepiscopo Cantuar. de Præbenda de Dale. & Previa de Privato sigillo, An. 18 E. 1. in Turri London.

Pope *Nicholas* preferring his own lucre, and favour of King *Edward* and his Chaplains, before Gods service, or peoples souls, against sundry Canons, licensed 20 of the Kings Clerks imployed in his service which he should nominate, to be Non-residents from their Ecclesiastical Benefices for 10 years space, as these Patents inform us, nominating most of these Non-residents.

REX universis ad quos, &c. salutem. Universitati vestræ notum facimus per præsentes, **quod cum Sanctissimus pater noster in Christo Dominus** *Nicholaus* **Papa quartus nobis de gratia speciali concesserit, quod viginti Clerici nostris obsequiis insistentes quos duxerimus nominandos, sua Beneficia Ecclesiastica per decennium libere percipere valeant, non obstante, quod primam vel aliam residenciam non fecerint in eisdem, prout in literis Apostolicis plenius continetur.** Nos dilectum Clericum nostrum *Johannem de Montibus* Canonicum Ecclesiæ *Verdunensis*, nostris obsequiis fideliter ac diligenter insistentem nominavimus inter cæteros Clericos, **nostris obsequiis insistentes, ad dictam gratiam per prædictum tempus liberaliter optinendum.** In cujus, &c. Teste Rege apud *Westm.* 7 die *Maii.*

Pat. 18 E. 1. m. 31 De privilegio pro Clericis Regis concesso.

Consimiles literas habent *Arnaldus de la Case*, Magister *Bernardus Fabri*, Magister *Bonettus de Sancto Quintino*, & Magister *Grimoaldus de Mercato.*

Consimiles literas de verbo ad verbum habet *Reymundus de Ferrariis*; Dat. apud *Westm.* 26 die *Maii*, anno regni nostri 18.

Consimiles literas habet *Baldewinus de Whyhaunt*, *Arienf.* Canonicus. Teste ut supra.

Item consimiles literas habet Magister *Petrus Arnaldi de Vice.* Teste ut supra.

Item

An. 18 *E.* 1. Item consimiles literas habet *Iterus Buchard.* Dat. ut supra.
Item consimiles literas habet Magister *Reymundus de Pimbus.* Dat. apud *Westm.* 4 die *Junii.*
Consimiles literas habet *Gerardus de Wrpus.* Dat. ut supra.
Consimiles literas habet Magister *Johannes Gerardi.* Dat. ut supra.
Consimiles literas habet *Willielmus de Estanayco.* Dat. ut supra.
Consimiles literas habent Magister *Bernardus de Bonis Villa* Canonicus *Petragoricen.* & Magister *Bertrandus del Gouth*, Archs. Dat. ut supra.

The King to preserve the Liberties of his Free Chappels from the Jurisdiction and Usurpations of Archbishops, Bishops, and other Ordinaries, caused his Father King *Henries* Patent, and Pope *Innocents* Bull concerning their Exemption, to be this year exemplified under his Great Seal; that all might take notice of, and not infringe them.

Pat. 18 E. 1. m 26. De libertatibus liberarum Capellarum Regis.
*See Tom. 2. p. 982, 983. 357, 358, 720, 721, 727, 728, 759, 1047.

REX omnibus, &c. salutem. Inspeximus literas celebris memoriæ Domini *H.* Regis *Angliæ* patris nostri patentes, in hæc verba. *H. *Dei gratia Rex* Angliæ, *Dominus* Hiberniæ, *Dux* Normanniæ, Aquitaniæ, *&* *Comes* Andegav. *omnibus ad quos præsens scriptum pervenerit, salutem.* **Cum plures in Anglia Capellas habeamus exemptas, quorum libertates locorum Ordinarii infestant plerumque in dilatione privilegiorum nostrorum ab loca diversa transmissa, nobis posset de facili periculum imminere,** *nos dil. to Clerico nostro Magistro* Waltero de Louches *Decano Ecclesiæ Sanctæ* Mariæ Stafford. **transcriptum cujusdam privilegii nostri de libertatibus Capellarum nostrarum faciens mentionem, et sigillo nostro signatam duximus committend. ut illius transcripti inspectionem habentes, eidem habeant concessioni libertatum factæ Capellis prædictis. Rescriptum igitur Apostolicum de verbo ad verbum sic curimus subscribendum.**

Innocentius Episcopus servus servorum Dei, Karissimo in Christo filio Regi *Anglorum* illustri, salutem & Apostolicam benedictionem. Tanto libentius Celsitudinis tuæ precibus benignum impartimur assensum, quanto inter Reges et Principes Christianos te specialiter reputamus dilectum filium et devotum: tuis itaque supplicationibus inclinati, districtius inhibemus, ne ullus Ordinarius, aut etiam Delegatus vel Subdelegatus, in Capellas Regias et Oratoria earundem Ecclesiæ Romanæ immediate subiecta, seu Canonicos vel servitores ipsorum, contra tenorem privilegiorum et indulgentiarum Apostolicæ sedis Excommunicationis vel Interdicti sententiam audeat promulgare, seu aliquod ipsis onus imponere, quod aliis exemptis Ecclesiis non consuevit imponi, absque mandato sedis Apostolicæ speciali, quod expressam faciat de inhibitione hujusmodi mentionem. Nulli ergo omnino hominum liceat hanc paginam nostræ inhibitionis infringere, vel ei ausu temerario contraire; si quis autem hoc attemptare præsumpserit, indignationem Omnipotentis Dei et beatorum Petri et Pauli Apostolorum ejus se noverit incursurum. Dat. *Lugduni* 12 Kal. *Augusti*, Pontificatus nostri anno tertio.

Nos autem literas prædictas propter rupturam sigilli literarum illarum duximus exemplificandam sub sigillo nostro. In cujus rei testimonium, &c. Teste Rege apud *Westm.* 14 die *Junii.*

This year the King confirmed the grant of several Tithes, Churches, and Advousons, formerly made by *Robert de Candos*, to the Monastery of *Bek* and *Goldclive.*

Chart 18 E. 1. nu. 30. Pro Priore & Conventu Ecclesiæ S. Mariæ Bec. See Monastic. Anglic. Tom. 1. p. 590.

REX Archiepiscopis, &c. salutem. Inspeximus Chartam quam *Robertus de Candos* fecit Deo & Ecclesiæ Sanctæ *Mariæ Becci*, & Monachis ibidem Deo servientibus, in hæc verba. *Robertus de Candos*, universis hominibus suis *Francis*, *Anglis* atque *Wallensibus*, & omnibus Sanctæ Ecclesiæ Dei fidelibus, salutem in Domino. Universitati vestræ notum facio me assensu & voluntate *Isabel.* uxoris meæ dedisse, & hac mea præsenti Charta confirmasse Deo & Ecclesiæ Sanctæ *Mariæ Becci*, & Monachis ibidem Deo servientibus, pro anima Regis *Willielmi*, & *Matild.* Reginæ, &c. in puram & perpetuam & liberam elemosinam Ecclesiam Sanctæ *Mariæ Magdalenæ* de *Goldclive*, cum terris & decimis ad eam pertinentibus, &c.

Dedi

Dedi etiam eis totam decimam totius terræ meæ de *Wales*, scilicet, denariorum meorum, de melle in bosco et plano, et de pannagio, et decimam molendini mei de *Karl.* et decimam pomorum pomerii mei totius dominii mei de *Karl.* et decimam de venacione mea, et prati mei, et de omnibus rebus de quibus decima debet dari, &c. Dedi etiam eis omnes Ecclesias non vacantes totius defensionis meæ in quibus jus advocationis habebam, cum terris et decimis ad eas pertinentibus, sicut Ecclesiam Sanctæ *Trinitatis* juxta *Karl.* cum omnibus pertin. suis in mora & extra moram; Ecclesiam *Julii* & *Aaron*, Ecclesiam de *Stanea*, Ecclesiam de *Wulaumpton*, Ecclesiam de *Periton*, Ecclesiam de *Selver*, Ecclesiam de *Acolt*, Ecclesiam de *Becheford*, Ecclesiam de *Grettingham*. Has omnes Ecclesias cum pertin. suis, ut in jus prædictorum Monachorum cum vacaverint plenè & integerrimè cedant, dedi, ad cujus expectationis fidem roborandam dedi sæpedictis Monachis decimas omnium dominorum meorum interim in Villis meis in quibus Ecclesiæ illæ sitæ sunt. Dedi etiam eis omnes libertates & liberas consuetudines quas ego ipse in terra mea habeo, scilicet, ut ipsi & omnes homines sui, & de illis tenentes, liberè, quietè, & honorificè, & pacificè teneant & habeant, sine alicujus hæredum meorum reclamacione, sacam & socam, &c. Inspeximus etiam Chartam quam *Hoelus* Dominus de *Karl.* fecit Deo & Ecclesiæ Sanctæ *Mariæ Magdalenæ* de *Goldclive* prædictæ, & Monachis ibidem Deo servientibus, in hæc verba. Universis Christi fidelibus ad quos præsens scriptum pervenerit, *Hoelus* Dominus de *Karl.* salutem. Universitati vestræ notificetur me assensu & voluntate *Morgani* filii & hæredis mei, & uxoris meæ, & filiæ meæ concessisse, & præsenti Charta confirmasse Deo & Ecclesiæ Sanctæ *Mariæ Magdalenæ* de *Goldclive*, & Monachis ibidem Deo servientibus, in puram & perpetuam & liberam elemosinam, omnes libertates & liberas consuetudines quas ego ipse in terra mea habeo, scilicet, &c. sacam & socam, &c. Præterea concessi illis decimam pannagii de *Wastadcoit*, et decimam molendini de *Lisbiry*, *Liswiry*, scilicet, de feudo *Roberti de Candos*, et decimam pomerii mei de *Karl.* et decimam venationis, et decimam mellis in bosco, et totam terram de Sancto *Nigarun*, &c. Inspeximus etiam confirmationem quam *Walterus Mareschallus* quondam Comes *Penbrok* fecit Deo & Ecclesiæ Sanctæ *Mariæ Becci* prædictæ, & Monachis ibidem Deo servientibus, in hæc verba. Omnibus ad quorum notitiam præsens scriptum pervenerit, *Walterus Mareschallus* Comes *Penbr.* salutem. Noveritis nos Chartam *Roberti de Candos* in hæc verba inspexisse; *Robertus de Candos*, universis hominibus suis *Francis*, *Anglis*, & *Wallensibus*, &c. (as before.) Nos vero donationem præfatam Monachis prædictis factam, ratam habentes eam pro nobis & omnibus hæredibus & successoribus nostris confirmavimus, & præsentis scripti municione & sigilli nostri appositione corroboravimus, salvo jure illorum qui de prædictis terris tenent. Hiis testibus, Domino *David Basset*, Domino *Petro de Watevill*, *Roberto de Turbervill*, *Johanne de Turbervill*, *Nicholao de Sancta Brigida*, *Willielmo de Derneford*, *Philippo de Deneland*, *Willielmo de Sancto Mauro*, *Roberto de Mora*, Militibus, *Nicholao* Domino de *Wideston*, *Rogero de Wilecrich*, & multis aliis. Inspeximus etiam confirmationem quam *Walterus* quondam Comes *Penbr.* fecit prædictæ Ecclesiæ Sanctæ *Mariæ Magdalenæ* de *Goldclive*, & Monachis prædictis, in hæc verba. Omnibus, &c. (as before.) Nos autem donationes, concessiones & confirmationes prædictas ratas habentes & gratas, eas pro nobis et hæredibus nostris, prædictis Priori & Conventui & eorum successor. quantum in nobis est, concedimus et confirmamus, prout Chartæ prædictæ rationabiliter testantur, & prout ipsi & prædecessores sui libertatibus & liberis consuetudinibus prædictis rationabiliter usi sunt. Hiis testibus, venerabilibus patribus *R. Bathon.* & *Wellen.* & *W. Sarum* Episcopis, *Edmundo* fratre nostro, *Gilberto de Clare* Comite *Glouc.* & *Hertf.* *Willielmo le Latimer*, *Otone de Grandisono*, *Roberto de Tibetot*, *Waltero de Bello Campo*, *Ricardo de Bosco*, *Hugone de Brok*, *Petro de Campaigne*, & al. Dat. per manum nostram apud *Havering*, primo die *Julii*.

An. 18 *E.* I.

From which it is apparent, That the Tithes, Advousons and Appropriations of Churches, then held and enjoyed by Religious persons, were claimed and enjoyed only by the special grants of their Patrons, and Charters of our Kings confirming them, not by any Divine or Papal right or title.

An. 18 E. 1. In a Bundle of Writs of Attorney *Anno* 18 E. 1. I found this *dedimus potestatem* issued to the Abbot of *Thame*, to take this memorable Oath and security from *Peter de Divion* Abbot of *Rewley*, being an Alien born under the King of *France*.

Brevia Regis Anno 18 E. 1. in Turre London.

EDwardus *Dei gratia Rex* Angliæ, *&c. Abbati de* Thame, *salutem. Sciatis quod dedimus vobis potestatem* recipiendi Sacramentum *de dilecto nobis in Christo* Petro de Divione *Abbate de* Regali loco *juxta* Oxon. *qui de dominio & potestate Regis* Franciæ *existat*, necnon sufficientem manucaptionem, quod bene et fideliter erga nos se habebit, et quod bona Abbatiæ prædictæ extra regnum nostrum nullatenus elongabit, nec literas, nuncios, vel intersigna, ad dictas partes Franciæ mittet, per quæ scandalum seu dampnum nobis aut regno nostro evenire poterit, nec se ad dictas partes Franciæ aliqualiter transferet, sine licentia nostra speciali: *Et ideo vobis mandamus*, quod acceptis Sacramento et securitate prædictis, *nos inde, & de nominibus Manucaptorum illorum* sub sigillo vestro distincte et aperte *sine dilatione reddatis certiores: Remittentes nobis hoc breve. Teste meipso apud* Turrim London. 24 *die* Octobr. *anno, &c.* 18.

The Abbot endorsed this retorn thereon. *Ego Frater* Johannes *Abbas de* Thame, *virtute istius mandati*, recepi Sacramentum *Domini* Petri de Divione, *Abbatis de* Regali loco *juxta* Oxon. *apud* Oxon. *Dominica in festo Apostolorum* Simonis *&* Judæ; *& etiam* recepi Manucaptores *ipsius Domini* Petri *Abbatis de* Regali loco, *viz.* Johannem de Doclynton *Majorem Villæ* Oxon. Johannem de Crokesford *juniorem*, Ricardum Kary, Johannem de Fallee, *&* Johannem le Peyntour, *Burgenses dictæ Villæ* Oxon. *Qui conjunctim & divisim manuceperunt dictum Dominum* Petrum *Abbatem de* Regali loco, quod idem Abbas bene et fideliter erga Dominum Regem se habebit; et omnia alia in Brevi isto contenta perficiet et observabit.

It seems most Abbots and Priors that were Aliens, took the like Oath, and gave sufficient Pledges for their fidelity and true allegiance to the King in that age, (especially in times of War) and not to send the Goods of their Monasteries out of the Realm, which they frequently did to the Kingdoms prejudice.

The Bishop of *Norwich* excommunicating the Vicar of *Stokneylond*, who appealed to the See of *Rome* against his sentence as unjust, and he being imprisoned by a *Capias Excommunicatum* upon the Bishops certificate after his Appeal, and thereupon enlarged by the Kings Writ; after his enlargement, upon a false suggestion, that he had not Appealed, being in danger to be reimprisoned by a Writ of *recaption*; the King thereupon issued this Writ to the Sheriff of *Norfolk*, to summon both parties to appear before him, to hear and determine this cause.

Brevia Regis An 17 & 18 E. 1. in Turre London.

EDwardus, *&c. Vicecomiti* Norff. *salutem. Cum nuper ad requisitionem venerabilis patris* R. Norwicensis *Episcopi, per suas literas patentes nobis significantis, quod Magister* Willielmus de Caldewell *Vicarius Ecclesiæ de* Stokneylond *propter manifestam contumaciam suam* excommunicatus est, nec se vult per censuram Ecclesiasticam justificari, *per Breve nostrum tibi præcepimus, quod prædictum* Willielmum *per corpus suum, secundum consuetudinem* Angliæ *justiciares*, donec Sanctæ Ecclesiæ tam de contemptu quam de injuria, et illata ab eo, esset satisfactum; *Et jam intelleximus quod prædictus* Willielmus *pro se* a sententia prædicta in ipsum per prædictum Episcopum lata, tanquam ab iniqua Sedem Apostolicam legitime appellavit, et Appellationis suæ negotium prosequitur cum effectu; nolentes, *quod prædicto* Willielmo *per prædictum Breve nostrum* via præcludatur, quo minus dictæ Appellationis suæ negotium prosequi possit in forma juris; *maximè*, cum hujusmodi Breve nostrum de gratia nostra procedat, et appellantium status integer esse debeat; *tibi præcipimus, quod ipsum* Willielmum a prisona qua detinetur occasione prædicta sine dilatione deliberari faceres, *donec de Consilio nostro aliud inde duxerimus ordinandum. Et postea ad suggestionem* Willielmi Barry, *nobis falsò suggerentis, quod prædictus* Willielmus *nullam appellationem fecerat, quare à prisona prædicta deliberari deberet*; Tibi præcipimus, *quod prædictum* Willielmum *per corpus suum, secundum consuetudinem* Angliæ *justiciares, donec Sanctæ Ecclesiæ tam de con-*

tempta

temptu quàm de injuria ei illata ab eo, fuerit satisfactum. Nos *super præmissis in præsentia partium* plenius certiorari, et partibus inde plenam et celerem justitiam exhiberi volentes; *tibi præcipimus, quod scire facias prefato* Willielmo Barry, quod sit coram nobis *à die Sancti* Hilarii *in Quindecim dies ubicunque tunc fuerimus in* Anglia, auditurus quid super præmissis de Consilio nostro duximus ordinandum. *Et habeas ibi prædictum* Willielmum de Caldewell, *si eum per te interim capi contingat, illud idem auditurus.* Et *hoc Breve. Teste meipso apud* Westm. 2. *die* Januarii, *Anno Regni nostri* 18. A clear evidence that the King was Supreme Judge in all cases of Excommunication, Appeals, Exorbitances, legality or illegalitie of Ecclesiastical Courts and Prelates proceedings, and to hear, rectifie, and finally determine them upon his Subjects complaints. *An.* 18 *E.* 1.

The Bishop of *Worcester* intending to make some Parochial Churches, whereof he was Patron, Prebendaries, and to annex them to the Collegiate Church of *Westbury* near *Bristol*, which the Prior and Chapter of *Worcester* opposed, for fear they should thereby lose their right of electing their Bishop; the King thereupon sent this Letter to them, to assent thereto, for advancement of Gods service, and his royal honor and benefit, being a thing he cordially desired, and to return him their answer the next Parliament, when all things and differences between them should be finally setled without further suit or expenses.

EDwardus *Rex, &c. Dilectis in Christo Priori & Capitulo* Wygorn. *salutem. Cum pater venerabilis* Godefridus Wygorn. *Episcopus, commendabili ductus proposito, quasdam Ecclesias aliquando Parochiales ad suum Patronatum omni jure spectantes in Ecclesia Collegiata de* Westbur. *prope* Bristol. fecerit præbendales. *Insuper alias resignas, sui consimilis patronatus & Dioceſis proponat hujusmodi libertati donare*; quo magis cultus augeatur divinus, quod quidem appetimus toto corde, cum conferre Præbendas bestra vacante Ecclesia, multum nobis esset nobilius et decentius, quam Beneficia curæ parochiali annexa: dilectionem vestram requirimus & rogamus, quatinus ipsius Episcopi condescendentes desideriis quoad hoc, immo nostris, velitis ea ad effectum deducere exoptatum; vestrum in hac parte cum favore exhibendo consensum: Nec timor vel suspicio, quoad electionem futuram de Episcopo, seu de ullo gravamine per Canonicos supradictos, animos vestros conterat ullo modo, cum præscriptio longissima, ac alia Jura fortissima vos satis muniant & defendant. In his autem vestram erga nos dilectionem volumus experiri. In proximo autem nostro Parliamento post *Paschas*, volumus per præsentiam vestram (*viz.* Prioris) nobis super his fieri responsiva; ut exinde quæ deceant & expediant ac liceant, inter patrem & filios abjectis laboribus & expensis, cautius & salubrius tunc temporis finaliter ordinentur. Teste meipso apud *Westm.* 3. die *Februarii*, Anno Regni nostri Decimo.

Brevia Regis Anno 18 E. 1. in Turre London.

This year [a] *Mense* Septembris *in* Terra Sancta *mirabile & flebile infortunium contigit Christianis*, Soldanus *namque* Babyloniæ, *cum multitudine onerosa, obsedit famosam* Tripolis *civitatem, quam proh dolor, cepit, & solo tenus finaliter complanavit, non sine maxima effusione sanguinis Christiani. In vituperium insuper & contemptum nominis* Jhesu Christi (or rather in detestation of Popish Idolatry, and Image-adoration) *per Civitatem destructam*, ad caudas equorum Sanctorum Imagines jussit trahi. Hereupon Pope *Nicholas* the 4th. under pretext of relieving the Holy Land, sent forth his Nuncioes and Bulls into *Germany*, *France*, and *England* to the Kings, Princes, Prelates and Clergy to assemble together in Synods to raise *Dismes* and *Taxes* for sundry years towards the relief of the *Holy land*, but in truth to fill his own Coffers, and advance his Papal Jurisdiction over them, as his predecessors had done by this pious fraud; what opposition he met with in *Germany* in this his design, and provisions of Bishopricks, especially from *Menardus* Earl of *Tyrol* (whom he then caused to be excommunicated, who justly censured him and his Prelates as *Antichristian* by his publike Edict) [b] *Johannes Aventinus* thus relates. *Eadem tempestate* Nicholaus *quartus Pontifex Maximus* Franciscanus, *omnes Archimystas* Germaniæ, *quemque cum suis collegis in sua provincia Concilia habere jubet.* Ab hisce rursus consilium simul et auxilium petit, quo Palestina armis recuperari possit.

a Mat. West. An. 1289. p. 376. Tho. Walsingham, Hist. Angl. p. 15.

b Annalium Boiorum, l. 7. p. 577. See Philip Mornay Hist. Papatus p. 427.

An. 18 E. 1. *Primarius* Boiorum *Sacerdos* Juvanum *sexto Calendas* Februarii Monachos atque Sacerdotes vocat, majores, minoresq; cogit Pontifículos, mandata Pontificis maximi aperit. Ubi illi Romanam avaritiam rursus ad Decimas aspirare persentiscunt, paucis et Concilii decreto, rem magnam esse, et se tot extra ordinem tributis attritos et exinanitos respondent, proinde amplius deliberandum, caput Reipublicæ Christianæ prius dandum, Christianos Principes in gratiam redigendos, sine horum auctoritate nihil decernendum censent. *Eodem Concilio* Mænardo Tyrolio *duas ob causas potissimum* sacris, jussu Pontificis Maximi interdictum est. Tridentini Episcopi castella occuparat, vique obtinebat. Hainricum jus Pontificium profitentem Episcopum Tridentinum continuis attrivit bellis, cedereque compulit. *Hoc mortuo*, Nicholaus *Pontifex* Romanus Franciscanus *religione*, Philippo Mantuano, *sui ordinis viro*, eundem Pontificatum tradit, *hocque instigante* Mænardus devotus est. *Qui sibi injuriam fieri sanctissimis illis patribus vociferatur, edicto publico obnunciat, crimina objecta ita diluit*: Equidem (ita me Deus amet) bellum non infero, sed propulso; nihil unquam mihi magis cordi fuit, quàm pacem cum quovis hominum, maximè cum Episcopis conservare, nisi boni patres, ut cæteri mortalium, copia rerum corrupti, nobis immeritissimis ultro arma prava libidine dominandi intulissent, nosque terris avitis spoliare conati fuissent. Arma assumpsi, Castella hostibus patri ademi, quo mihi ac populáribus otio frui absque armis liceat. Quod si quispiam vas atque præs fuerit, ne metuere perfidiam, & lupos habeam, neve de cætero hujusmodi nobis a fastidiosis illis Archisynagogis (nam Pastoribus dicere religio est) contingant, acturum omnia reddam: aliter nunquam committam, ut tam stultus videar, ut e manu manubrium mihi eripi patiar, aut memet ultro, atque meos ludibrio effeminatis Antichristis, atque prodigiosis Eunuchis esse sinam. Nemo magis concordiam Christianam labefactat, non sacris literis interpretandis aut ediscendis, sed liberis dant operam, Liberum amant, divitias congregant, dominationem avidissime appetunt. Pro hisce nobiscum sanguine obium decertant, Christi paupertatem, Comitum ejus simplicitatem non solum non æmulantur, sed irrident quoque atque antiquare conantur. Si * Antichristi non sunt, quid aliud obsecro sunt? Essne istud pascere obes? amare gregem? regna, opes, aliena appetere, pro gloria, dignitate digladiari? ovicula opprimere? occidere, belligerari? Christi præceptum invertunt, donanti tunicam et pallium bi auferunt. Quis tam ferreus, ut verius dicam, tam stolidum pecus fuerit, ut superbiam, fastum, perfidiam, fraudem, flagitia, scelera, luxum, avaritiam nebulonum æquo animo ferat? Pejores Turcis, Saracenis, Tartaris, Judæis sunt, plus his omnibus Christianæ simplicitati officiunt, libertatem Christi sanguine partam excindere conantur, dominationem arripiunt: Cum nostri servi sunt, ipsi dominari contra jus gentium, adversus leges, auspicia et oracula divina, dominos sibi servire volunt. Scitum est vulgi proverbium, Sacerdotes superstitionum præstigiis caliginem oculis effundere mortalium, et cæremoniis carminibusque cassis, veluti Mandragoræ soporiferæ poculo mentem mutare, et humanis animis atque sensibus stuporem propinare. Quisquis Pastor aut obes tondet, aut mulget? nonne nuncius rem Domini, atque eorum, ob quorum utilitate mittitur, agere debet? Proinde a sævo, et nobis iniquo Pontifice, ad æquum Pastorem, pientissimumque patrem provoco. *Inter hæc dum illa ad Pontificem* Romanum *referuntur, ipse animam efflat.*

* *Nota.*

Nota.

* See Here, p. 375.

King *Edward* the 1. who had * formerly crossed himself for the Holy Land, to gain 6. years Disмes from the Clergy of *England* and *Ireland*, readily complied with the Pope in this design; as these Letters, Articles, Obligations of his to the Pope attest.

Pat. 18 E. 1. m. 40. De negotio Terræ Sanctæ.

SUmmo Pontifici cum recommendatione humili, pedum oscula beatorum. Literarum Sanctitatis vestræ super negotio *Terræ Sanctæ* per fratrem *Willielmum de Hotham* nobis exhibitarum tenore nobis diligenter exposito & plenius intellecto, deliberata super hiis habito consilio assentimus in Articulos inferius annotatos, *videlicet*, Quod terminus passagii generalis vestra authoritate statuatur, à festo Nativitatis Sancti *Johannis Baptistæ* proximo in tres annos, quod erit Anno Domini MCCXCIII. Ita quod tunc mora qualibet omnino postposita fiat passagium generale. Et quod per omnes Christianitatis Crux communiter prædicetur in Terræ subsidium

subsidium memoratæ, sicut magis expediet negotio dictæ Terræ. Item, quod Decima sex Annorum collecta in subsidium *Terræ Sanctæ* in *Angliæ* et *Scotiæ* Regnis, et in terris *Walliæ* & *Hiberniæ* Nobis assignetur in duobus terminis, videlicet, medietas ipsius in festo Natibitatis beati *Johannis Baptistæ* proximo venturo, et alia medietas in festo *Nativitatis* ejusdem *Sancti* deinde secuturo. Et idem fiat de obventionibus in dictis *Angliæ* & *Scotiæ* Regnis, ac in terris *Walliæ, Hiberniæque* collectis, et adhuc pro illis temporibus colligendis: de Decima vero et obventionibus sex Annorum futurorum colligenda in dictis Regnis *Angliæ* et *Scotiæ*, ac terris *Hiberniæ* et *Walliæ*, medietas secundum quod tribus primis annis colligetur nobis ante tempus passagii assignetur. Residua vero medietas Decimæ et obventionum eorundem sex annorum annis singulis, prout collecta fuerit nobis postquam transfretaverimus assignetur, fiat autem Collectio et exactio ipsius Decimæ et obventionum per personas Ecclesiasticas * Regni nostri. Item, quod omnes Crucesignati qui esse poterunt habiles ad pugnandum, vel aliàs utiles Terræ Sanctæ monitionibus et persuasionibus efficacibus inducantur, et quantum rationabiliter fieri poterit compellantur in ipso passagio transfretare in Subsidium præfatæ Terræ prout utilius esse poterit ipsi terræ. Item, De Decimis et obventionibus collectis in Subsidium *Terræ Sanctæ* in terris illis quorum Domini non transfretabunt, impedimentis nunc obstantibus Domino favente sublatis, taliter nobis subveniatur quod merito possumus et debeamus esse contenti. Hos omnes Articulos & singulos superius expressos, sponte recipimus et acceptamus, ipsisque nostrum præstamus assensum, et quatinus contingunt vel contingere possunt nos inviolabiliter observaturos promittimus, volentes ipsos robur plenæ firmitatis habere, et præsentes Literas nostras Regio pendente sigillo munitas, vobis et Ecclesiæ *Romanæ* concedimus, *in testimonium veritatis*. *Dat. apud* Westmonaster. *tertio die* Februarii, *Anno Domini* 1289.

An. 18 *E.* 1.

* That so the Pope might not finger them.

Eisdem, Rex salutem, præsentium tenore vobis Sanctissime Pater vestrisque Successoribus *Romanis* Pontificibus, & Ecclesiæ *Romanæ* promittimus, quod si nos sponte, vel culpa nostra deficere in transfretando in Subsidium *Terræ Sanctæ* contigerit, seu per nos steterit quo minus in præfixo generalis passagii termino transfretemus, omnia quæ de Decima nobis concessa in *Angliæ, Scotiæ* Regnis, ac terris *Walliæ* et *Hyberniæ*, nos recepisse contigerit, restitueremus ad vestrum dictorumve successorum, et Ecclesiæ Romanæ mandatum; etiam si per ipsorum receptorum vel omnia ipsa recepta in præparatione transfretationis fuissent expensa: si vero non transfretaverimus in ipso termino aliquo impedimento legitimo impediti, expensæ quæ factæ fuerunt in præparatione prædicta pro medietate nobis, et pro medietate reliqua imputentur prædictæ Decimæ, seu de ipsa Decima deducantur: Et si quid facta imputatione seu deductione hujusmodi apud nos de Decima ipsa remanserit, illud similiter restituemus ad vestrum, dictorumque successorum, et Ecclesiæ *Romanæ* mandatum: si quid etiam de expensis quæ fiant in præparatione prædicta, vel de datis seu assignatis ejus occasione nobis taliter impeditis recuperari contingat, vel de rebus præparatis occasione passagii illius, medietatem similiter restituemus, et reliqua medietas erit nostra. Pro his itaque omnibus firmiter observandis et plenarie adimplendis, Nos, successores nostros, ac exitus nostros Regni *Angliæ*, aliarumque terrarum nostrarum, bona nostra mobilia, vobis, dictis successoribus vestris et Ecclesiæ *Romanæ* obligamus specialiter et expresse, præsentes literas nostras Regio pendente sigillo munitas, vobis, suprædictis vestris successoribus, et Ecclesiæ, in veritatis testimonium concedendo. Dat. ut supra.

Pat. 18 E. 1. m. 40.

These Letters and Obligations the King sent to the Pope by his special Messengers, together with this to the Cardinals at *Rome*, thus recorded.

VEnerabili patri in Christo amico suo Karissimo, Domino ℣. Dei gracia titulo Sanctæ *Ceciliæ* Presbytero Cardinali, *Edwardus, &c.* salutem & sinceræ dilectionis affectum. Cum pro quibusdam nostris negociis, de quibus aliàs vobis scripsimus, pro subsidio *Terræ Sanctæ*, Nobilem virum Dominum *Galfridum de Geynvill*, Magistros *Willielmum de Grenefeld*, & *Thomam de Lugger*, Juris Civilis professores, ad sedem Apostolicam duxerimus destinandos; Paternitatem vestram affectuose requirimus

Cl. 18 E. 4. m. 14. dorso. De literis missis Cardinalibus.

An. 18 *E.* 1. requirimus et rogamus, quatinus ipsa negocia favore benivolo prosequentes, ad eorum expedicionem tam celerem quam felicem, quantum commode poteritis, interponere dignemini partes vestras. Dat. apud *Westm.* 3. die *Februarii.*

Sub eadem forma scribitur Cardinalibus subscriptis,
Domino *H.* titulo Sanctæ *Sabinæ* Presbytero Cardinali.
Domino *M.* titulo Sancti *Laurencii* in *Damaso* Presbytero Cardinali.
Domino *P.* titulo Sancti *Marci* Presbytero Cardinali.
Domino *J.* Sanctæ *Mariæ* in *Via lata* Diacono Cardinali.
Domino *P.* Sancti *Eustachii* Diacono Cardinali.
Domino *M.* Sanctæ *Mariæ* in *Porticu* Diacono Cardinali.
Domino *N.* Sancti *Adriani* Diacono Cardinali.
Domino *B.* Sancti *Nicholai* in *Carcere Tulliano* Diacono Cardinali.
Domino *J. Tusculano* Episcopo.
Domino *B.* Episcopo *Penestrino.*
Domino *B.* Episcopo *Portuensi.*
Domino *L. Host.* & *Velletr.* Episcopo.
Domino *Sabinen.* Episcopo.

The King likewise granted 200. pounds to the Popes Chaplain in *Scotland* for his expenses, pains, and labour there taken in the Service of *Queen Margaret* deceased, by this Writ.

Pat. 18 E. 1. m. 20. Pro Magist. Hugocio. D. Papæ Capellano.

REX & Superior Dominus *Scotiæ*, Venerabili in Christo Patri *A.* eadem gratiâ *Catanen.* Episcopo, Cancellario suo *Scotiæ* salutem. Quia Magister *Hugotio* Domini Papæ Capellanus *Margaretæ* grata & laudabilia præstitit obsequia, labores & expensas in ejus obsequiis multipliciter apponendo, ut pro certo intelleximus; Nos præfatum *Hugotionem* pro servitio laboribus & expensis suis prædictis respici volentes prout decet. Vobis mandamus, quod dilecto & fideli nostro *Alexandro de Balliolo* Camerario *Scotiæ* per literas sigillo regimini prædicti Regni *Scotiæ* deputato, detis in mandatis, quod eidem Magistro *Hugotioni* faciat habere ducentas libras pro servitio, laboribus et expensis suis prædictis, & nos eas prætato Camerario in primis compotis suis volumus allocari. In cujus, &c. Teste Rege apud *Thresk* 23 die *Augusti.*

The Pope sending his Nuncio into *Scotland* this year to take the Accounts of the Collector of the Dismes there lately dead, and collect the arrears thereof; the King as Superiour Lord of *Scotland*, issued this Patent to the Bishops and Prelates of *Scotland*, favourably to receive, assist and advise him and his Commissary therein, as often as required.

Pat. 18 E. 1. m. 21. intus.

REX & Superior Dominus *Scotiæ*, Venerabilibus in Christo Patribus *W.* & *R.* eadem gratia Sancti *Andr.* & *Glascuen.* Episcopis, & cæteris Episcopis & Prælatis ejusdem Regni ad quos, &c. salutem. Cum Dominus Papa dilectum nobis in Christo *Giffredum de Vezano* ejusdem Domini Papæ Clericum et Nuncium deputaverit ad compotum executorum Testamenti Magistri *Bajamundi* quondam Collectoris Decimæ in Subsidium *Terræ Sanctæ* concessæ in Regno prædicto, audiend. et arreragia ejusdem Decimæ, et debita ipsius *Bojamundi* levanda et colligenda, juxta formam mandati Apostolici sibi super hoc directi; Vobis mandamus, quod præfato *Giffredo* vel ejus Commissario seu Commissar. in præmissis vos exhibeatis favorabiles et benignos, Consilium vestrum & juvamen eidem Magistro *Giffredo* vel ejus Commissar. seu Commissariis super hiis impendentes, quociens ab ipso vel eorum aliquo inde fueritis requisiti. Teste Rege apud *Devises*, decimo sexto die *Septembris.*

The King this year by his Ecclesiastical Soveraignty granted this special Patent authorizing the Abbot of St. *Edmonds* freely to dispose of his Goods and Chattels by his Testament, without disturbance by the King or his Officers.

REX

An. 18 *E.* 1.
Clauſ. 18 E. 1. m. 6 De Abbate de Sancto Edmundo.

REX omnibus, &c. ſalutem. Dilectus nobis in Chriſto *Johannes* Abbas de Sancto *Edmundo* nobis humiliter ſupplicabit, ut nos ei licenciam concedere dignaremur; *videlicet*, quod ipſe de bonis et catallis ſuis libere poſſet condere Teſtamentum ſuum, ita quod executores Teſtamenti ſui abſque occaſione et impedimento noſtro et hæredum noſtrorum, Eſcaetorum, Vicecomitum, et omnium aliorum Ballivorum et Miniſtrorum noſtrorum quorumcumque, plenam et liberam inde habere poſſint adminiſtracionem ad executionem Teſtamenti ſui prædicti inde faciendam: Nos precibus prædicti Abbatis favorabiliter inclinati, concedimus ei pro nobis et hæredibus noſtris, quantum in nobis eſt, quod idem Abbas hujuſmodi Teſtamentum ſuum licite condere, et Executores Teſtamenti ſui de bonis et catallis ſuis prædictis libere poſſit diſponere, ac liberam adminiſtrationem habere ad executionem dicti Teſtamenti ſui inde faciendam, ſine occaſione vel impedimento noſtri vel hæredum noſtrorum, Eſcaetorum, Vicecomitum, et omnium aliorum Ballivorum ac Miniſtrorum noſtrorum quorumcunque, ſicut prædictum eſt. Recepta ab eiſdem Executoribus ſufficienti ſecuritate, quod de debitis ſi quæ idem Abbas die obitus ſui nobis debuerit ad Scaccarium noſtrum fideliter reſpondebunt. In cujus, &c. Teſte Rege apud *Kingeſclipſton* 18 die *Octobris*.

How farr the King by his prerogative could charge ſucceeding Biſhops deceaſing with the Debts owing to him by their predeceſſor, or apportion them between them, and the Biſhops executors, this Record will inform us.

Pat. 18 E. 1. m. 21. Pro Epiſcopo Dunelmenſi de debitis ſuis.

REX omnibus ad quos, &c. ſalutem. Volentes venerabili patri *Antonio Bek Dunelmenſi* Epiſcopo, pro grato & laudabili ſervicio ſuo quod nobis diu impendit gratiam facere ſpecialem, conceſſimus ei pro nobis & hæredibus noſtris, quod de omnibus debitis in quibus nobis tenetur reddat ad Scaccarium noſtrum centum libras per annum, unam videlicet medietatem ad Scaccarium noſtrum Sancti *Michaelis*, & aliam medietatem ad Scaccarium noſtrum *Paſchæ*, & ſic de anno in annum centum libras ad eoſdem terminos, quouſque prædicta debita nobis ibidem perſolvantur: Ita tamen, quod ſi idem Epiſcopus in fata decedat antequam dicta debita nobis ſic fuerint perſoluta, ſucceſſores ſui Epiſcopi *Dunelmenſes* et hæredes ejuſdem *Antonii* de debitis quæ tunc inde remanſerint ſolvenda onerentur, *viz.* prædicti ſucceſſores de dictorum debitorum una medietate, et hæredes prædicti de altera medietate nobis ſeu hæred. noſtris reſpondeant ad Scaccarium ſuprædictum. Et quod Executores Teſtamenti prædicti Epiſcopi pro debitis illis non impediantur, quo minus liberam adminiſtrationem bonorum habeant ad executionem dicti Teſtamenti inde faciendam. In cujus, &c. Teſte Rege apud *Haveringg.* 28 die *Junii*.

What Penſions the King paid this year to the Popes Notary, Advocates at *Rome*, Merchants or Brokers, theſe Warrants will inſtruct us.

Liberate 18 E. 1. m. 2. Pro Jac. Brabanzun, & Bonaventur. Hugelyn. Mercatoribus.

REX Theſaur. & Camerariis ſuis ſalutem. Liberate de Theſauro noſtro *Jacobo Brabanzun*, & *Bonaventur. Hugelyn* Mercator. *Senenſibus* quaterviginti et decem marcas, per manus ſuas liberandas dilecto Clerico noſtro Magiſtro *Angelo* Domini Papæ Notario, viz. quaterviginti marcas de annis Regni noſtri quartodecimo, quintodecimo, ſextodecimo, & decimo ſeptimo, ſcilicet de quolibet termino viginti marcas, et decem marcas de termino *Paſchæ* Anno regni noſtri 18. de annuo feodo ſuo 20. marcarum quod de nobis percipit ad Scaccarium noſtrum. Et recipiatis ab ipſis Mercatoribus literas ſuas patentes receptionem pecuniæ prædictæ teſtificantes. Teſte Rege apud *Weſtm.* 16 die *Julii*.

Liberate, An. 18 E. 1. m 1. Pro Lapo de Piſtor & ſociis ſuis Mercatoribus de Piſtor

REX Theſaur. & Camerariis ſuis ſalutem. Liberate de Theſauro noſtro *Lapo de Piſtor.* & ſociis ſuis Mercatoribus de *Piſtor.* ducentas marcas pro ducentis marcis quas per præceptum noſtrum liberaberunt *Franciſco Accurſio* Legum profeſſori, pro arreragiis annui feodi ſui quadraginta marcarum quod ei conceſſimus, ſcilicet de annis Regni noſtri terciodecimo, quartodecimo, quintodecimo, ſextodecimo, & decimo ſeptimo, & quas eiſdem Mercatoribus ſolvere promiſimus in feſto

Sancti

An. 18 *E.* 1. Sancti *Michaelis* prox. præterito. Recipientes ab eisdem Mercatoribus literas nostras patentes quas inde habent. T. R. apud *Kingesclipston* 23. die *Octobris.*

Pat. 18 E. 1. m 2. intus. Pro Civibus & Mercatoribus Lucan.

REX omnibus ad quos, &c. salutem. Considerantes diutina & laudabilia servitia quæ nobis fecerunt dilecti nobis *Paganuncius Guidicionis*, *Labrus Vulpelli*, *Johannes Simoneti*, *Adintus Rubei Pili*, *Barthelottus Baudini*, *Richardus Guidicionis*, *Orlandinus de Podio*, & *Richardus Bonefacius*, & socii sui Cives & Mercatores nostri de societate *Ricardorum* de *Luk.* tam in partibus cismarinis quàm ultramarinis: Pensantes etiam grata **servitia, industriam et diligentiam** cari nostri *Labri Vulpelli* prædicti, & labores quos sustinuit **pro nobis in Curia Romana, dedimus eisdem Mercatoribus nostris** (the Popes common Brokers and Usurers to return monies to *Rome*) **quinque millia marcarum percipiendo. ad Scaccarium nostrum** *Westm.* in crastino festi Nativitatis beati *Johannis Baptistæ* prox. futuro, & ad hoc obligamus nos & bona nostra. In cujus, &c. Teste Rege apud *Clypston*, quarto die mensis *Novembris.*

* See Godwins Catalogue, p. 221.

* *William de Luda* being elected and confirmed Bishop of *Ely* by the Kings Royal assent, the King issued this Writ for restoring his Temporalties.

Pat. 18 E. 1. m. 28. De Temporalibus Episcopatus Eliensis restitutis.

REX dilecto Clerico suo *Nicholao Fermeband*, salutem. Cum venerabilis pater *J. Cantuar.* Archiepiscopus, electionem nuper factam in Ecclesia *Eliensi* de venerabili viro Magistro *Willielmo de Luda* Decano Sancti *Martini Magni London.* in ipsius Ecclesiæ *Eliensis* Episcopum & Pastorem, **cui prius Regium assensum adhibuimus et favorem, confirmaverit,** sicut per literas ipsius Archiepiscopi patentes nobis inde directas accepimus: **Nos confirmationem illam acceptantes, cepimus fidelitatem ipsius Electi,** & Temporalia Episcopatus prædicti, prout moris est, **restituimus eidem.** Et ideo vobis mandamus, quod eidem Electo temporalia Episcopatus prædicti sine dilatione liberetis, sicut prædictum est. In cujus, &c. Teste Rege apud *Westm.* 30 die *Maii.*

Et mandatum est Militibus, &c. In cujus, &c. Teste ut supra.

The King for a certain Fine granted this extraordinary grace to the Prioresse and Covent of *Shaston*, that they should have the custody of the Temporalties thereof during the next vacancy, by cession or death of the present Abbesse.

Fines 18 E. 1. m 20. Pro Prioriss & Conventu Shaston. de fine, &c.

REX per finem centum librarum quem Prioriss & Conventus *Shaston.* fecerunt cum eo, & quas ei solvent ad Scaccarium suum, concessit eis, quod eadem Prioriss & Conventus habeant custodiam Abbatiæ suæ **toto tempore vacationis ejusdem, post cessionem vel decessum** *Laurentiæ* nunc ejusdem loci Abbatissæ, **hac vice de gratia Regis speciali**, & quod percipiant & habeant omnes exitus & proventus ejusdem Abbatiæ ad opus suum, tam in tallagiis hominum suorum quàm in terris & rebus aliis ad Abbatiam illam spectantibus, **quæ ad Regem pertinere possent, si custodiam illam in manu sua Rex teneret.** Ita quod nullus Ballivus Regis vel alius ex parte Regis eas impediat vel se intromittat de custodia illa quo minus dicta Prioriss & Conventus habeant hac vice liberam administrationem omnium bonorum & catallorum ad Abbatiam illam spectantium, **salvis tamen Regi advocationibus Ecclesiarum ad Abbatiam illam spectantibus, gardis et escaetis de feodis militaribus si quas accidere contigerit tempore vacationis prædictæ. Et salva Regi et hæredibus suis imposterum in aliis vacationibus ejusdem Abbatiæ, custodia memorata cum acciderit.** In cujus, &c. Teste Rege apud *Westm.* 25 die *Januarii.*

Et sciendum, quod si contingat in vacatione Abbatiæ prædictæ aliquam sub discordia eligi in Abbatissam, **finis prædictus pro nullo habeatur.**

* See Spelmanni Concil. Tom. 2. p 273, 383, 443, 721.

Three Clergymen who were Collectors being indebted to the King, he issued these Writs both to Sheriffs and Bishops by his Prerogative, to seise and sequester all their Temporal and Ecclesiastical Lands, Livings, Goods and Chattels in several Counties and Dioceses, notwithstanding our * *Bishops Canons and Constitutions* to the contrary.

Quibusdam

An. 18 E. 1.

Fines 18 E. 1. m. 21 De terris & tenement. bonis & catallis Johan. de Lovetot, Wil. de Burneton, Rog. de Leyceſtria, & Rob. de Littlebury, captis in manum Regis.

QUibuſdam certis de cauſis mandatum eſt Cuſtodi & Vicecomitibus *London.* quod omnes terras & tenementa, bona & catalla *Johannis de Lovetot*, *Willielmi de Burneton*, *Rogeri de Leyceſtria*, & *Roberti de Littlebury* in Balliva ſua, ſine dilatione **in manum Regis capiant**, & ea ſalvo & abſque diſtractione aliqua cuſtodiri faciant, donec Rex aliud inde præceperit. Ita quod inde ad Scaccarium Regis Regi reſpondere poſſint ad mandatum Regis. Teſte Rege apud *Weſtm.* 14 die *Januarii.*

Eodem modo mandatum eſt Vicecomitibus *Cantebr. Midd. Norff.* & *Suff.* videlicet, cuilibet eorum per ſe, quod terras & tenementa, bona & catalla prædicti *Willielmi* in Ballivis ſuis ſine dilatione capiant in manum Regis, & ea ſalvo cuſtodiri faciant, &c. Teſte ut ſupra.

Item mandatum eſt Vicecomitibus *Ebor.* & *Northumbr.* videlicet, utrique eorum per ſe, quod terras, tenementa, bona & catalla prædicti *Willielmi* in Ballivis ſuis ſine dilatione capiant in manum Regis, & ea ſalvo cuſtodiri faciant, &c. Teſte ut ſupra.

Item mandatum eſt Vicecomiti *Eſſex* & *Herif.* quod terras, tenementa, bona & catalla prædictorum *Johannis*, *Willielmi* & *Rogeri* in Balliva ſua ſine dilatione capiat in manum Regis, & ea ſalvo cuſtodiri faciat, &c. Teſte ut ſupra.

Item quibuſdam certis de cauſis mandatum eſt venerabili patri *J. Wynton.* Epiſcopo, **quod omnia bona Eccleſiaſtica** *Willielmi de Burneton* in Epiſcopatu ſuo ſine dilatione ſequeſtrari, & ea ſic ſequeſtrata ſalvo & abſque diſtractione aliqua cuſtodiri faciat, donec, &c. ut ſupra. Teſte ut ſupra.

Eodem modo mandatum eſt *A. Dunolmenſi* Epiſcopo, quod **bona Eccleſiaſtica** prædictorum *Willielmi*, *Rogeri* & *Roberti* in Epiſcopatu ſuo ſine dilatione ſequeſtrari, & ea ſic ſequeſtrata ſalvo & abſque diſtractione aliqua cuſtodiri faciat, donec aliud, &c. Teſte ut ſupra.

Eodem modo mandatum eſt *J.* Archiepiſcopo *Ebor.* & *R. Karliolenſi* Epiſcopo diviſim, **quod omnia bona Eccleſiaſtica** prædicti *Willielmi* in Epiſcopatibus ſuis ſine dilatione ſequeſtrari, & ea ſic ſequeſtrata ſalvo & abſque diſtractione aliqua cuſtodiri faciant, donec, &c. Teſte ut ſupra.

The King out of his piety and charity, this year gave ſeveral ſums of money to buy Books and Ornaments for Religious Houſes, that were burnt in *Gaſcoigne* and *England*, as theſe Records atteſt.

Rot. Vaſcon. 18 E. 1. m. 3. Pro fratribus Prædicatoribus Baion.

REX Seneſcallo ſuo *Vaſconiæ*, & Conſtabulario Caſtri ſui *Burdeg.* ſalutem. Dilectorum nobis in Chriſto Fratrum Prædicatorum *Baionæ* ſtatui ſuper **Ornamentorum et Librorum incendio pio compaſſientes affectu**; vobis mandamus, **quod ducentas libras monetæ noſtræ** *Burdeg.* **eiſdem Fratribus de denariis noſtris liberari faciatis de dono noſtro, ad allevationem eorundem ſuper amiſſione prædicta.** Et hoc nullatenus omittatis. Et nos pecuniam illam cum eam eis liberaveritis, vobis præfato Conſtabulario in compoto veſtro volumus allocari. Teſte Rege apud *Lang.* 26 die *Julii.*

Liberate An. 18 E. 1. m. 1. Pro Prioriſſa & Monialibus de Ceſtrehunt prope Walth.

REX Theſaur. & Camerariis ſuis, ſalutem. Liberate de Theſauro noſtro dilectæ nobis in Chriſto Prioriſſæ & Monialibus de *Ceſtrehunte* propè *Waltham*, **viginti libras de dono noſtro ad domos ſuas nuper per infortunium combuſtas conſtruend.** Teſte Rege apud *Kingeſclipſton*, 20 die *Octobris.*

The King repairing and building the Caſtle of *Carnarvan* in *Wales*, after his conqueſt thereof, among other monies converted the profits of the Archbiſhoprick of *York* (then void) to that uſe, as this Writ reſolves.

Liberate An. 18 E. 1. m. 7. Pro Malcolm de Harlegh.

REX Theſaur. & Camerariis ſuis, ſalutem. Allocate *Malcolmo de Harlegh* nuper Cuſtodi noſtro Archiepiſcopatus *Ebor.* ſede vacante, in compoto ſuo ad Scaccarium prædictum quatuor libras, quas per præceptum noſtrum poſuit in cariagio **octingentarum et duodecim librarum, duodecim ſolidorum, et quatuor denariorum**, proveniencium de exitibus ejuſdem Archiepiſcopatus à Civitate noſtra *Ebor.* **uſque Villam noſtram de** *Kaernarvan.* cum novem equis & hominibus

An. 18 *E.* 1. conductis, ad dictam pecuniam ducendam anno regni nostri quartodecimo. Et quadraginta solidos quos similiter per præceptum nostrum posuit in cariagio centum & quadraginta librarum, & quindecim solidorum, provenientium de eisdem exitibus à Civitate prædicta usque Villam prædictam anno eodem. Et quinquaginta solidos quos similiter per præceptum nostrum posuit in cariagio centum & quinquaginta & septem librarum, & octo solidorum, provenientium de exitibus prædictis à prædicta Civitate usque Villam prædictam anno eodem. Et viginti & sex solidos, & octo denarios, quos similiter per præceptum nostrum posuit in conductione centum & unius librarum provenientium de exitibus prædictis à *Chircheſdon* usque ad prædictam Villam de *Kaernarvan* anno prædicto. Nisi, &c. Teste Rege apud *Fromton* 26 die *Novembris*. *Per Billam de Scaccario.*

So as the profits of that Archbishoprick received this year, applyed to this use, amounted to above 1100 *l.* besides other allowances to Officers, and all other expenses therein mentioned, which I pretermit.

The Abbot of *Wetheneye* and his Tenants in *Ireland*, receiving and harbouring the Kings Enemies and Rebels, against his allegiance, was notwithstanding his Profession fined 60. Marks to the King for this offence, which he was to pay by certain annual sums to the Kings Exchequer there, as this Writ informs us.

Fines 18 E. 1. m. 1. Hibern. Pro Abbate de Wetheneye.

REX de illis **seraginta marcis** per quas Abbas de *Wetheneye* finem fecit cum Rege **pro transgressione quam ipse et homines sui fecerunt, receptando** *Hibernicos* de *Thremund.* **inimicos et rebelles Regis,** concessit eidem Abbati, quod reddat Regi per annum ad Scaccarium Regis *Dublin.* quinque marcas, *viz.* duas marcas & dimid. ad Scaccarium Regis *Paschæ* proximo futur. & duas marcas & dimid. ad Scaccarium Regis Sancti *Michaelis* proximo sequens, & sic de anno in annum quinque marcas ad eosdem terminos, **donec prædictæ seraginta marcæ Regi persolvantur.** Et ideo mandatum est Thesaur. & Baronibus de eodem Scaccario, quod eidem Abbati terminos illos habere, & sic fieri & irrotulari faciant. Teste Rege apud *Kingesclipston* 4 die *Novembris.*

There being some Pleas held in *Ireland* of Advousons of Churches, in the Courts of some Lords within whose Lordships the Churches were, and a question made, whether such Churches of Abbots and Bishops falling void, when their Temporalties were not in the Kings hands, or during their vacancy, belonged to the Kings, or to the Lords Courts within whose Lordships they were, to the prejudice of the Kings Crown and Right, who as supreme Patron and Ordinary had the conusance of all Suits concerning Advousons; he thereupon issued this Writ of *Cerciorari*, to remove those Pleas and all their proceedings out of *Ireland* from the Lords Courts there, into *England.*

Brevia Regis An. 17 & 18 E. 1.

EDwardus, *&c. Justic. suo* Hiberniæ, *salutem. Cum inter nostrum dilectum & fidelem* Galfridum de Genevill, *& Abbatem beati* Thomæ *extra* Dublin. *coram nobis placitum pendeat, super Ecclesia de* Donamore; **Utrum** (*viz.*) **placitum inde sicut de cæteris Ecclesiis, quæ sunt de patronatu Episcopatuum et Abbatiarum in** Hibernia, **ratione crocearum terræ illius in manu nostra existentium, ad nos vel ad Dominos, infra quorum libertates Ecclesiæ hujusmodi situantur, pertineat placitandum;** *ac* Hugo Hosee *venerabilem patrem* Th. Midens. *Episcopum,* **in Curia** Galfridi de Trym **super Ecclesia de** Galtrim **de advocatione ejusmodi Episcopi existente, ut dicitur, jam implacitet, in nostri præjudicium manifestum,** *ut accepimus*; **Nos nolentes per hujusmodi placita aut alia in casu consimili in dicta terra** Hiberniæ **nobis præjudicari,** *sed placitum illud super dicta Ecclesia de* Galtrim, *una cum prædicto placito super dicta Ecclesia de* Donamore, **coram nobis** *simul & semel, prout justum fuerit,* **terminari:** *Vobis mandamus, quod ad Curiam prædicti* Galfridi de Trym *accedentes, loquelam super dicta Ecclesia de* Galtrim, *in eadem Curia habitam, ut prædictum est, recordari, & Recordum illud & Processum cum Brevi originali, & omnibus aliis adminiculis, loquelam illam tangentibus, sub sigillo vestro & sigillis eorum qui recorda illi interfuerint distinctè & apertè nobis mittatis, & hoc Breve: Ita quod ea habeamus coram nobis apud* Westm. *à die Sancti* Michaelis

Michaelis *in* 15. *dies, partibus eundem diem præfigentes, quod tunc ſint ibi, factura & receptura quod juſtum fuerit in hac parte. Teſte* Edm. *Com.* Cornub. *Conſang. noſtro apud* Weſtm. 28 *die* Maii, *anno regni noſtri decimo ſeptimo.* Whereupon the Records of thoſe proceedings were returned and certified to the King in *England* the year following, as prejudicial to the Kings Crown and Juriſdiction. *An.* 18 *E.* 1

A few years before the Biſhops and Archdeacons of *Ireland* endeavoured by the power of the Biſhop of *Bath* and *Wells*, then Lord Chancellor of *England*, to engroſſe all Suits in the Kings Courts in *Ireland* againſt Executors, into their own Eccleſiaſtical Courts, as matters of Teſtament, not belonging to the Kings Courts, and a breach of their Eccleſiaſtical Priviledges, as appears by this complaint and petition of the Biſhop and Archdeacon of *Ferne* to this Lord Chancellor, *An.* 13 *E.* 1. (where it ſhould have been inſerted) concerning a Suit brought againſt the Archdeacon as an Executor, in the Kings Exchequer in *Dublin.*

Brevia Regis An. 13 E. 1. in Turre London.

VEnerabili patri in Chriſto & amico (ſi placet) chariſſimo, Domino R. *Dei gratia* Bathon. & Wellen. *Epiſcopo*, R. *miſeratione divina Eccleſiæ* Fernenſ. *Miniſter humilis, ſalutem & ſincera dilectionis conſtantiam cum orationum ſuffragiis.* Cum vos libertatis Eccleſiaſticæ columnam agnoſcamus cæteris firmiorem, *veſtram moneat paternitatem,* quod in partibus Hiberniæ, contra libertatem Eccleſiaſticam, inſolenter et nobiter eſt ſuſcitatum, quod piæ paternitati veſtræ præſenti pagina referimus volentes; *videlicet, Quod cum* Nicholaus *Archidiaconus noſter* Fernenſ. Executor Teſtamenti Adæ de Sancto Johanne, de bonis ejuſdem defuncti, tanquam Executor, ſamdudum diſponeret et miniſtraret, *ut dicitur; quidam Miles* Willielmus Waſpayl, *nomine Domini* Waterfordenſis *Epiſcopi, Juſticiarii* Hiberniæ *ſpecialis*, de mandato ipſius Domini Juſticiarii, et ejus patrocinio ſpecialiter confidens, & *audaciam habens*, quaterviginti et ſex libras argenti ab eodem Archidiacono noſtro exigit coram Baronibus de Scaccario Domini Regis Dublin. ipſum ibidem conveniendo per Breve de Scaccario, (*cujus tranſcriptum vobis mittimus, præſentibus incluſum.*) *Qui quanquam idem Archidiaconus per Attornatum ſuum coram eis allegaſſet,* quod ſuper hujuſmodi re Teſtamentaria ibidem non debuiſſet reſpondere, *ac per nos inſtanter petitum eſſet,* quod cauſa illa ad noſtrum remitteretur examen, in eadem cauſa proceſſerunt; compellando ipſum Attornatum eidem Willielmo ibidem reſpondere de pecunia prædicta; quam idem Willielmus dicit ſe ſolviſſe Reginaldo de Dene per diſtrictionem Scaccarii prædicti: *Qui* Reginaldus de Dene *eſt in cuſtodia dicti Juſticiarii, & filiam ſororis ejuſdem Juſticiarii duxit in uxorem.* Et cum hujuſmodi * cauſa mere ſit Teſtamentaria, et ad examen Eccleſiaſticum de jure debeat pertinere, ſicut veſtra novit diſcretio, et nos ſemper parati fuerimus, et ſimus, de dicto Archidiacono noſtro, dicto Militi et aliis de ſe querelantibus plenam juſtitiam exhibere, ad libertatis Eccleſiaſticæ defenſionem et conſervationem, pro qua vos ſemper imperdiſtis, ſummo (ſi placet) ſtudio remedium in præmiſſis providere dignemini. *Prædicta vero cauſa inter ipſum Militem & dictum Archidiaconum, prout didicimus,* in foro Eccleſiaſtico, coram Domino Lechlin. Epiſcopo, in cujus Dioceſi idem Miles dicit, ipſum Archidiaconum de bonis dicti defuncti adminiſtraſſe, extitit alias uſque ad ſententiæ diffinitivæ calculum ventilata, donec dicto Epiſcopo defuncto, per ipſius Willielmi negligentiam, conquievit. Unde intuitu Dei et Eccleſiæ, taliter in præmiſſis operari et providere veſtra diſcretio dignetur, ut Eccleſiaſtica libertas illæſa cuſtodiatur. *Valeat pia paternitas veſtra ſemper in Domino. Dat. feria ſecunda in Septim.* Pentecoſt. *anno gratiæ* 1285.

* If this were Law, that all Executors muſt be ſued for Debts only in Biſhops Eccleſiaſtical Courts, then all Executors ſhould ſue others only in them for debts due to their Teſtators.

Supplicat vobis (Domine Cancellarie) Nicholaus *Archidiaconus* Fernenſ. (*qui vetus eſt, & gravi infirmitate detentus*) *remedium ſibi fieri de quibuſdam injuriis,* libertati Eccleſiaſticæ et ſibi factis; *quod cum quondam extitit* Executor Teſtamenti Adæ de Sancto Johanne *defuncti, & bona ejuſdem defuncti vice Executoris fideliter diſpoſuit & miniſtravit, & de bonis & catallis dictum Teſtamentum tangentibus,* finalem compotum reddidit coram ſuo Dioceſano; *ſuper hoc venit Dominus* Willielmus Waſpayl *Miles, ob favorem Juſticiarii* Hiberniæ, et implacitat ipſum coram Baronibus de Scaccario Dublin. contra legem et juſtitiam, *de quaterviginti* Ibidem.

An. 18 E. 1. *& sex libris argenti, per quoddam Breve de viridi Cera, (quod dicitur,* Venire fac.*)* eo quod ertitit Executor prædicti defuncti, desicut hujusmodi placita, Testamentum tangentia, coram eisdem de jure non debent placitari; nec idem Willielmus, Baro de Scaccario, nec Minister Domini Regis est. *Et nichilominus ipsum cohartant ad respondeadum* coram ipsis de debito prædicto. *Quare petit, caritatis intuitu, remedium sibi fieri.*

What Bishops and Abbots were this year elected and confirmed in *Ireland* by the Kings Royal license and assent, these Records will evidence.

Pat 18 E. 1. m. 13. De assensu electioni adhibito.

REX adhibuit assensum electioni nuper factæ in Ecclesia Cathedrali *Duacen.* de fratre *Laurencio* Abbate *Collemctor.* ordinis *Cisterciensis* in Episcopum *Duacen.* Et hoc significatum est *W. Tuamensi* Archiepiscopo, ut quod suum est exequatur in hac parte. Teste Rege apud *Selveston*, 10 die *Aug.*

Pat. 18 E. 1. m 17. Hibern. De Temporal. restitutis.

REX Justic. suo *Hiberniæ*, vel ejus locum tenenti, salutem. Cum nos electioni nuper factæ in Cathedrali Ecclesia *Cluovensi* de fratre *Willielmo Odufih.* ordinis *Minorum* in Episcopum ejusdem loci, Regium assensum adhibuerimus et favorem; & velimus eidem Electo gratiam facere uberiorem in hac parte, ut suis parcamus laboribus et expensis; vobis mandamus, quod electione illa à loci Metropolitano canonicè confirmata, & recepta nomine nostro ab eodem Electo fidelitate nobis debita, ut est moris, Temporalia Episcopatus prædicti eidem liberari faciatis. Receptis tamen prius ab ipso literis patentibus sigillo suo, necnon sigillo Capituli sui signatis, quod hæc nostra gratia nobis vel hæredibus nostris non cedet in præjudicium, seu trahetur in consequentiam in futurum. In cujus, &c. Teste Rege apud *Westm.* 15 die *Julii.*

Ibid. m. 42.

REX Venerabili in Christo patri *J.* &c. Archiepiscopo *Dublin.* Justic. suo *Hibern.* salutem. Cum venerabilis pater *N.* Archiepiscopus *Armachan. Hiberniæ* Primas, Ecclesiæ Cathedrali *Ardachaden.* pastoris solatio destitutæ, de persona discreti viri Magistri *Matthæi de Ardagh.* Canonici Ecclesiæ prædictæ * providerit, ipsum præficiendo in Episcopum ejusdem Ecclesiæ et Pastorem, sicut per literas ejusdem Archiepiscopi patentes nobis inde directas plenius nobis constat, & insuper dilecti nobis in Christo Decanus & Capitulum Ecclesiæ prædictæ *Ardachaden.* nobis per literas suas patentes humiliter supplicarunt, ut præfectionem illam acceptemus: Nos ipsorum precibus in hac parte favorabiliter annuentes, et præfectionem illam acceptantes, cepimus fidelitatem præfati Magistri *Matthæi*, & Temporalia Episcopatus prædicti, prout moris est, restituimus eidem. Et ideo vobis mandamus, quod eidem Magistro *Matthæo* Temporalia Episcopatus prædicti cum pertin. liberetis, sicut prædictum est. In cujus, &c. Teste meipso apud *Westm.* 28 die *Januarii.*

* It seems to be without a precedent license of the King, or election by the Dean & Chapter, supplyed by their subsequent assents thereto.

Pat. 18 E. 1. m. 10. Hibern. De Temporal restitutis.

REX Justic. suo *Hiberniæ*, vel ejus locum tenenti, salutem. Cum dilecti nobis in Christo Prior & Conventus de Insula de *Melanfith.* nobis per literas suas patentes significaverint, quod Ecclesia sua prædicta per mortem *Petri* nuper Abbatis ejusdem loci, Pastoris est solatio destituta, supplicantes nobis prout moris est, quod licentiam sibi alium eligendi in Abbatem eisdem concedere dignaremur, ac nos precibus, &c. Nos eorundem Prioris & Conventus laboribus & expensis in hac parte parcere volentes, ista vice, concessimus eis de gratia nostra speciali, & vobis dedimus potestatem, quod facta electione prædicta de futuro Abbate, sicut prædictum est, eidem Abbati assensum Regium, &c. volumus etiam, &c. quod si, &c. tunc recepta ab ipso Electo fidelitate in casu isto nobis debita, temporalia, &c. Receptis tamen, &c. ut in præcedentibus. In cujus, &c. Teste Rege apud *Westm.* 10 die *Julii.*

What licenses and dispensations against the Statute of *Mortmain*, of Lands and Tenements given to Bishops in *Ireland*, the King granted this year, these Records inform us.

REX

An. 18 *E.* 1.

Pat. 18 E. 1. m. 24. Pro Archiep. Archimachano Hiberniæ Primate.

REX omnibus, &c. ſalutem. Licet nuper provideri fecerimus, *quod non liceat viris Religioſis aut aliis ingredi feodum alicujus; ita quod ad Manum mortuam deveniat ſine licentia noſtra & Capitalis Domini de quo res illa immediatè tenetur*; Conceſſionem tamen remiſſionem & quietam clamacionem quas *Rogerus de Thornton* & *Iſabella* uxor ejus, & *Radulphus Burgoys* venerabili patri Archiepiſcopo *Archimarcano Hyberniæ* Primati fecerunt, de decem & ſeptem carucatis terræ cum pertin. in *Brumeskyn*, ut dicitur. Habend. ſibi et ſucceſſoribus ſuis Archiepiſcopis ejuſdem loci imperpetuum, ratas habentes et gratas, eas pro nobis et hæred. noſtris quantum in nobis eſt concedimus et confirmamus, ſicut ſcripta prædictorum *Rogeri*, *Iſabellæ*, & *Radulphi* eidem Archiepiſcopo inde confecta rationabiliter teſtantur; Salvo jure cujuſlibet: Nolentes quod iidem *Rogerus*, *Iſabella*, & *Radulfus*, ſeu hæred. ſui, vel prædictus Archiepiſcopus aut ſucceſſores ſui ratione ſtatuti prædicti inde per nos vel hæred. noſtros occaſionentur in aliquo vel graventur. In cujus, &c. Teſte Rege apud *Weſtm.* 15 die *Junii.*

Conſimiles literas habet idem Archiepiſcopus de donacione & conceſſione quas *Alicia de Napton* fecit eidem Archiepiſcopo de advocationibus Eccleſiarum de *Bernemede*, *Dumbenny* & *Kilkerli*, ut dicitur. Habend. &c. In cujus, &c. Teſte ut ſupra.

Ibid. m. 14. Hibern. Pro Epiſcopo Middenſi.

REX omnibus ad quos, &c. ſalutem. Inſpeximus Cartam quam *Robertus de Wygorn.* perſona Eccleſiæ de *Nober* fecit venerabili patri *Thomæ Midenſi* Epiſcopo in hæc verba. *Sciant præſentes & futuri, quod ego* Robertus de Wygorn. *Rector Eccleſiæ de* Nober *pro ſalute animæ meæ dedi, conceſſi, & hac præſenti carta meâ confirmavi venerabili in Chriſto patri Domino* Thomæ *Dei gracia* Midenſi *Epiſcopo, tria burgagia cum ædificiis & pertin. in Villa de* Nober, *quæ habui ex vendicione* Henrici de Northamton. *Vicarii de* Stachmoholmoc, *ſecundum diviſas, perambulaciones & metas in carta ejuſdem* Henrici *ſuper hiis confecta comprehenſis plenius contentas. Habenda & tenenda dicta burgagia cum ædificiis prædictis & pertin. de me & hæred. meis* ſibi et ſucceſſor. ſuis et Eccleſiæ ſuæ Midenſi libere et quiete, bene et in pace imperpetuum. *Reddendo inde annuatim Dominis feodi per annum redditum debitum & conſuetum, prout in carta prædicta prædicti* Henrici *plenius continetur. Ego vero prædictus* Robertus *& hæredes mei prædicta tria burgagia, cum ædificiis & pertin. ſecundum quod prædictum eſt, prædicto Domino Epiſcopo ſucceſſoribus ſuis & Eccleſiæ ſuæ prædictæ contra omnes gentes warrantizabimus imperpetuum. Et ut hæc mea donacio, conceſſio, & præſentis cartæ meæ confirmacio perpetuæ firmitatis robur optineant, eidem cartæ ſigilli mei impreſſionem appoſui. Hiis teſtibus Magiſtro* Johanne de Keneleye *Archidiacono* Midenſi, *Magiſtro* Johanne de Dumbilton. *Archidiacono de* Kenles, *Magiſtro* Willielmo de Waſſeburn. *Magiſtro* Willielmo de Sidan, *Domino* Stephano de Exon, Henr. Vinetur, Ada Vinetario, Simone de Porta, Ada Beletambe, Waltero de Clongel, Johanne de la More, Johanne Herte, Philippo de Mareſton. *& aliis.* Nos autem donacionem et conceſſionem prædictas ratas habentes et gratas, eas pro nobis et hæred. noſtris quantum in nobis eſt concedimus et confirmamus, *ſicut carta prædicta rationabiliter teſtatur. In cujus, &c. Teſte Rege apud* Weſtm. 12. *die* Julii.

What Liberties the King this year granted by his Charters to *John de Saunford* Archbiſhop of *Dublin*, and the Canons of *All Saints* there, thoſe who pleaſe may peruſe in Chart. 18 E. 1. nu. 86. & 94.

In the Plea Rolls in the *White Tower*, *Tr.* 18 E. 1. I met with theſe ſuits for proſecuting and holding Plea in Courts Chriſtian of Chattels, Debts and Advowſons, not belonging to their Juriſdiction.

Placita apud Weſtm. Trin. 18 E. 1. Rot. 22 dorſo.

Radulphus *Vicarius Eccleſiæ de* Mapeldeſted *attachiatus fuit ad reſpondendum* Ricardo *filio* Gerardi de Heckeſoſte *de placito, quare ipſe ſimul cum Magiſtro* Willielmo de Notton *Archidiacono* Midd. tenuit placitum in Curia Chriſtianitatis de catallis et debitis quæ non ſunt de Teſtamento vel Matrimonio, contra prohibicionem Regis, *&c. Et unde queritur quod cum idem* Ricardus *ſummonitus eſſet coram eiſdem* Radulpho

An. 18 E. 1. Radulpho & Willielmo *ad respondendum de quinque marcis quas ab eo tunc exigebant: Ac idem* Ricardus *die Veneris proxima post festum Sancti* Nicholai *in Ecclesia de* Hanstede, *anno Regis nunc decimo septimo*, prohibitionem Regis ne placitum illud teneret, prædictis Radulpho et Willielmo exhibuisset, prædictus Radulphus spreto mandato Regis, nichilominus prædictum placitum simul cum prædicto Willielmo tenuit, in contemptum Domini Regis et grave dampnum ipsius Ricardi, *&c. Unde dicit*, quod deterioratus est et dampnum habet ad valentiam centum solidorum; et inde producit sectam, *&c.*

Et Radulphus *per Attornatum suum venit & defendit vim et injuriam quando, &c. Et bene defendit*, quod nunquam tenuit placitum in Curia Christianitatis de prædictis quinque marcis contra prohibitionem Regis sicut ei imponit. *Et hoc paratus est defendere contra ipsum & sectam suam sicut Curia consideraverit, &c. Ideo vadiet ei legem suam* 12. *manu, &c. Et veniat cum lege sua in* Crastino Animarum, *&c. Plegii de lege* Willielmus de Fynchyngsend & Willielmus de Twynstede, *&c.*

Ibid. Rot. 26. Intus. Surr. Willielmus de la Punt *per Attornatum suum optulit se* 4. *die versus* Willielmum de London *Canonicum de* Suthwerk *de placito* quare tenuit placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio contra prohibitionem, *&c. Et ipse non venit, & præceptum fuit Vicecomiti*, quod attachiaret eum *quod esset hîc ad hunc diem, &c. Et Vicecomes nichil inde fecit, set mandavit quod prædictus* Willielmus de London *Clericus est, & non habet Laicum feodum in Balliva sua per quod potest attachiari. Ideo mandatum est Episcopo* Wyntoniæ, *quod venire faciat eum hîc in* Crastino Animarum. *Et unde Vicecomes mandavit, &c.*

Ibid. Rot. 69. Ebor. Petrus de Malo lacu *per attornatum suum optulit se quarto die versus Magistrum* Robertum de Pykering, & Ricardum *Priorem* de Sancto Oswaldo, *de placito quare idem Magister* Robertus *simul cum* Johanne *Archiepiscopo* Eborum tenuit placitum in Curia Christianitatis de advocatione medietatis Ecclesiæ de Lychfeldia contra prohibitionem, *&c. Et ipsi non venerunt*; Et præceptum fuit Vicecomiti quod attachiaret eos, *&c.*

Ibid. Rot. 96. Ebor. *Magister* Willielmus de Marchia *per attornatum suum optulit se* 4. *die versus Magistrum* Simonem de Clervaus *Officialem Archidiaconi* Cleveland *de placito* quare tenuit placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, *& versus* Thomam *Abbatem* de Ryevall, Johannem de Normanby *Commonachum suum, & Magistrum* Rogerum de Scardeburgh de placito quare secuti sunt idem placitum in eadem Curia contra prohibitionem, *&c. Et ipsi non venerunt, &c. Et prædictus* Simon de Clervaus attachiatus fuit *per* Johannem *ad* Fontem, *&c.* Ideo ipsi in misericordia. *Et præceptum est Vicomiti quod distringat eos per omnes terras, &c. Et quod de exitibus, &c. Et quod habeat corpora eorum hic à die Sancti* Michaelis *in quindecim dies, &c.*

In the same Plea Roll, in an Assise of Darraign presentment I finde this Plea of plenarty pleaded by a Prioresse by vertue of an Impropriation, and of a person intruded into it, by whose presentation the Plaintiff claimed a Title, who was actually deprived by a Judicial Sentence in the Court of *Rome*, and the Abbesse thereby restored to the possession thereof.

Ibid. Rot. 105 Wilts. *Assisa venit recognitura quis advocatus tempore pacis præsentavit ultimam personam quæ mortua est ad Ecclesiam de* Wamberge *quæ vacat, &c. et cujus advocationem* Alanus *filius* Rogeri de la Zuche, & Emelina Lungespeye *aliàs clamaverunt versus Priorissam de* Ambresbury, *&c. Et modo venit prædictus* Alanus, *& similiter prædicta Priorissa per Attornatos suos. Et quia eadem Priorissa aliàs dixit, quod non potuit prædicto* Alano *sine prædicta* Emelina *participe sua inde respondere, præceptum fuit Vicecomiti quod summoneret eam quod esset hîc ad hunc diem ad sequendum simul, &c. Et ipsa non venit, & summon. &c. Ideo consideratum est, quod prædictus* Alanus *respondeatur sine prædicta* Emelina, *&c. Et* Alanus *dicit, quod quidam* Stephanus Lungespay *antecessor ipsius* Alani *& prædictæ* Emelinæ, *cujus hæres ipsi sunt quæ non sequitur, &c. ad prædictam Ecclesiam præsentavit quendam* Hugonem de la Penne *Clericum suum tempore pacis Domini* H. *Regis patris Domini Regis nunc, qui ad præsentacionem suam fuit admissus & institutus, & per cujus resignationem prædicta Ecclesia modo vacat, &c. Et de* Stephano *descendit, &c. & prædictæ* Emelinæ *quæ non, &c. Et de ipsa* Ella *descendit, &c. isti* Alano *qui nunc, &c.*

Et

Et *Prioriſſa per attornatum ſuum venit & dicit, quod non debet ei inde ad hoc breve reſpondere, quia dicit, quod prædicta* Eccleſia *plena eſt & conſulta de ipſa Prioriſſa & Conventu ſuo* qui illam tenuit in propios uſus de adbocatione ſua propria, *& fuit ante impetracionem brevis. Et hoc parata eſt verificare ubi & quando debuerit, &c.* An. 18 E. I

Et prædictus Alanus *dicit, quod prædictus* Hugo *nuper perſona prædictæ* Eccleſiæ *ad præſentacionem prædicti* Stephani *anteceſſoris, &c. à tempore inſtitutionis ſuæ ut perſona impersonata in eadem ſtatum continuavit uſque feſtum Sancti* Michaelis *proximo præteritum, & tunc* Hugo Eccleſiam *illam reſignavit. Et dicit, quod quam cito noticia reſignacionis, &c. ad ipſum pervenit ipſe infra quinque menſes proximo ſequentes breve ſuum impetravit. Et hoc petit quod inquiri per aſſiſam. Unde dicit, quod ſtatus plenitudinis quem prædicta Prioriſſa dicit ſe habere, pocius debet dici in eum Intruſio, quam plenitudo. Dies datus eſt eis de audiendo Judicio ſuo hic à die Sancti* Michaelis *in xv. dies. Poſtea ..... ad diem illum venerunt partes per attornatum ipſius Prioriſſæ. Et Prioriſſa dicit, quod advocatio prædictæ Eccleſiæ fuit cujuſdam Prioris & fratrum de* Nogento Rodrode, qui Eccleſiam illam tenuerunt in propios uſus de adbocacione ſua propria per centum annos ante impetrationem præditi brebis. *Et dicit, quod prædictus* Hugo *ſuper poſſeſſione prædictorum Prioris & Fratrum intruſit ſe in prædictam Eccleſiam, & illam tenuit occupatam quouſque idem* Hugo *ad ſectam ipſius Prioris* per ſententiam diffinitibam latam in Curia Romana fuit ab Eccleſia illa privatus, et idem Prior in eadem Eccleſia reſtitutus. *Et hoc paratus eſt verificare ubi & quando debuerit, &c. Et dicit, quod idem Prior & fratres poſtea dederunt advocationem prædictæ Eccleſiæ ipſi Prioriſſæ & Eccleſiæ ſuæ prædictæ, tenend. ipſi Prioriſſæ & cæteris Prioriſſis quæ ei ſuccedent, &c. Et profert quandam Cartam nomine ipſorum Prioris & fratrum quæ hoc teſtatur. Et dicit, quod poſtea Epiſcopus* Sarum appropriabit ipſi Prioriſſæ prædictam Eccleſiam tenendam in propios uſus; unde cum prædicti Prior et fratres per ſententiam prædictam poſſeſſioni ſuæ propietatis in prædicta Eccleſia fuerunt reſtituti; et de ſeiſina ſua propietatis feoffarunt ipſos Prioriſſam et Conbentum de adbocatione ejuſdem, Epiſcopus Sarum ipſis appropriabit Eccleſiam illam, et ipſi tenuerunt illam appropriatam quaſi immediatam poſt ſeiſinam prædictorum Prioris et fratrum, *petit Judicium, &c. Et quia prædicta Prioriſſa nichil dicit quare aſſiſa illa debeat retardari, conſideratum eſt, quod procedatur ad aſſiſam, &c. ſet ponitur in reſpectu uſque in Craſtino* Purificationis *beatæ* Mariæ *pro defectu Recognitorum, quia nullus venit. Ideo Vicecomes habeat corpora, &c.*

* *Matthew Parker* Archbiſhop of *Canterbury* ſtories, that *John Peckham* Archbiſhop of *Canterbury* this year, after the viſitation and ſubjugation of his whole Province, ſummoned a Council of his Clergie at *Redyng*, wherein he intended and propounded the drawing of all Cauſes concerning Advowſons meerly belonging to the Kings Temporal, to their Eccleſiaſtical Courts, and to cut off all Prohibitions to them from the Kings Courts in perſonal cauſes; a deſign they had long attempted: which the King hearing of, expreſly commanded them by ſpecial Meſſengers, to deſiſt from it, whereupon their deſign was fruſtrated, and this Council diſſolved.

* De Antiqu. Eccleſ. Angl. f. 205. Anno 1290.

Subacta ſibi jam his modis Provincia, Cleram ſuum Redingi congregabit. Propoſuitque cognitionem de Patronatu Eccleſiarum, multis annis ad Regium tribunal ſpectantem, inde ad Eccleſiaſticum foꝛum traducere, tum Prohibitiones Regias in Litibus de bonis et catallis proꝛſus reſcindere, et ne deinceps Eccleſiaſticos Judices a jure reddendo retardarent vetare, (Such was his Papal inſolencie and diſloyaltie) * Sed Rex incepto hoc audito, nunciis ad Concilium deſtinatis multis, tam Archiepiſcopo quam toti Clero minis præcepit, ut deſiſterent. Unde factum eſt, ut a ſua præſumptione Archiepiſcopus penitus tranſiliret. Ita diſſoluto Concilio omnes Prælati ſpe inanes receſſerunt. To which he ſubjoyns this notable paſſage concerning the Prelates incontinencie, the briberie, uſurie of the Pope and Court of *Rome*, and their Merchants, the ſuppreſſing all proceedings againſt an unchaſt Biſhop for mony, and the Archbiſhops endeavours to advance his own abſolute authority. In eo etiam Concilio *fama publica id exigente*, perquiſibit de Epiſcopo quodam Concubinario; de quo ad Matthæum quendam Romanæ Eccleſiæ Cardinalem ſcripſit, *ſed de ejus nomine nullam mentionem fecit, id enim, ut ait, nuncio ſuo proferendum*

* Petrus de Ickeham.

An. 18 E. 1. *ferendum commisit. Petiit in aliis literis à Cardinali* Matthæo, ut de eo corrigendo Papam secreto sermonem conferret, neque res enunciaretur. Multos enim ei in Romana Curia amicos et exploratores fuisse, potissimum autem Mercatores *Lucanenses*, quorum (ut diximus) opera in expilationibus et usuris Papa sæpe usus esset. *Hunc autem non nominatim Episcopum cum secreto convenisset, atque quæsivisset*, an vera essent quæ de ejus concubinatu fama retulisset? *Testes, quos Archiepiscopus expectabat & adesse jussit, metuens tandem turpia narrasse*, et ipsius turpitudinis diem fassum fuisse, describit. *Deinde eadem septimana cum* Mortlaci *moraretur, venisse ad eum fœminam quendam* Julianam de illius Episcopi factis quædam narraturam. Ea juramento coacta peperisse se quinque liberos ex eodem Episcopo adhuc superstites, fassa est. *Hunc cum coercere vellet*, metuens ne se muneribus ad Papam fundendis defenderet, per hunc Cardinalem præoccupavit Papam. Propono, inquit, eum adhuc aggredi iterato. Sed scio, quod conatus meus parum proderit, nisi me litera juvat Apostolica. Nor enim ut eum tetigero, appellationis alis falsidicæ rete meum effugiet, infinitam pecuniam effusurus. Peto autem, ut in omnibus aliis mihi per vos adsit adminiculum Papæ, per quod mea crescat authoritas, et timor incutiatur rebellibus, meaque jurisdictio excitetur, ut constantius nova inchoem, et inchoata authoritate majori valeam confirmare.

I finde in the Parchment Book of Collections of *Placita Parliamenti* 18 E. 1. in the *Tower*, that the King to preserve the Jurisdiction of his own Temporal Courts against the Bishops encroachments, and yet to preserve their legal Jurisdiction in causes properly triable by them by the grace and grant of his predecessors, made this Constitution upon the Ecclesiastical Judges grievous complaint, that the Chancellor or Chief Justice for the time being, when a Prohibition was granted to stay any suit in Court Christian, should send for the Libel, and if upon examination they found the Kings Court by Writs out of the Chancerie could not relieve the party, and that the cause belonged to the Ecclesiastical Court to determine, they should order them to proceed notwithstanding the Prohibition.

* Placita Parliamentaria An. 18 E. 1. m. 21. See Ryley p. 39. Quod Judices Ecclesiastici procedant non obstante Prohibitione Regis.

* Cum Judices Ecclesiastici ad procedendum in causis coram ipsis agitatis per Prohibitionem Domini Regis sæpius supersedant in casibus ubi remedium conquerentibus ad Curiam Domini Regis per Breve de Cancellaria sua fieri non possit, propter quod querentes illi in utraque Curia tam Regia quam Ecclesiastica jure suo et remedio sunt elongati, ad grave dampnum ipsorum, prout Dominus Rex ex gravi querela quorundam intellexit: Dominus Rex vult et præcepit, quod cum Judices Ecclesiastici per Prohibitionem Regiam sibi porrectam supersedeant in casibus prædictis, quod Cancellarius vel Capitalis Justiciarius ipsius Domini Regis qui pro tempore fuerit, viso libello illius causæ, ad instantiam querentis, si viderint quod per Breve de Cancell. querenti remedium suo casu fieri non possit, set quod ad Curiam Ecclesiasticam pertineat causam illam determinare, scribant Judicibus coram quibus causa illa prius fuerit agitata, quod in causa illa procedant, non obstante Prohibitione Regia prius sibi inde directa. Therefore the Archbishop and Clergy had no cause at all to attempt the suppression of all *Prohibitions* to them to restrain their usurpations on the Kings Crown, Courts, or Subjects Liberties.

An. 19 E. 1. King *Edward* sending his Letters to the Archbishops and Bishops of *Ireland* to convene their Clergie, and induce them to grant him a Disme of their Spiritualties to defray his expenses and Debts in redeeming his * *Nephew Charles*, and setling Truces in foreign parts, the Clergie of *Ireland* unanimously refused to grant his request, by reason of their extreme poverty, and many years wars and depredations, yea sundry of them appealed to the Pope against it, as these Letters of the Archbishops of *Tuam* and *Cassels*, and Bishop of *Dary* to the King, which I found in the *White Tower* Chappel, will more fully relate.

* See Here, p. 375.

Brevia Regis 19 E. 1. in Turre London

Excellentissimo Principi ac Domino suo Reverendissimo Domino Edwardo *Dei gratia Illustri Regi* Angliæ, *Domino* Hiberniæ, *& Duci* Aquitaniæ, W. *permissione divina* Tuamen. *Ecclesiæ Minister humilis, salutem in eo* qui Regibus dat salutem. *Serenitatis*

An. 19 *E.* I.

Serenitatis vestræ literas affectione qua decuit nuper recepimus, quibus intime nos rogastis, quod ad certos diem et locum nostros Suffraganeos et Clerum nostræ Provinciæ coram nobis faceremus specialiter convocari; *quodque ipsos ex parte vestra induceremus efficaciter*, quod una nobiscum Decimam Spiritualium ipsos contingentium vobis concederent gratiose ad exonerationem Debitorum, quibus estis impliciti, propter missas grabes et expensas necessarias, quas nuper moram trahendo fecistis in partibus transmarinis, deliberationem magnifici Principis, vestri Consanguinei, Domini *Caroli Regis Siciliæ faciendam; *Super quibus Regia vestræ Celsitudini tenore præsentium respondemus, Quod juxta literarum vestrarum tenorem* Suffraganeos et Clerum nostræ Provinciæ ad certos diem et locum fecimus convocari; *ipsosque diligentia & instantia, quibus potuimus (novit Altissimus) induximus, & ferventissimè rogavimus*, quatenus requisitionem tanti Principis, tam exilem, recusarent nullatenus vel tardarent, sed eam potius gratanter concederent et votivè. *Qui quidem Suffraganei singuli, cum dicto Clero, ad deliberandum secesserunt ad partem: eorumque Clerus deliberato consilio respondit unanimiter*, Quod propter guerram, paupertatem, et Ecclesiæ libertates in statu debito conservandas, petitionem vestram prædictam nullo modo concedere poterat, nec volebat. A cujus responsione iidem Suffraganei, ut asseruerunt rationibus antedictis, et propter Appellationem per ipsum Clerum ad sedem Apostolicam interjectam, discedere non valebant, et sic cum eo partem duxerunt eligere negativam. *Nos ceterum immediatam nostrum Clerum, ad certos diem & locum per nos similiter convocatum, efficaciter induximus & ferventer*, Quod concessioni petitionis prædictæ minime supersederent; *Intimantes eidem, ac nostris Suffraganeis, eorumque Clero*, quod licet per Concessionem hujusmodi modice crederent prægrabari, per eam tamen possent veram vestrorum benevolentiam Ministrorum, et uberiorem gratiam indubitanter captare, ac vos ipsi per hoc induci ad gravamina *Hibernicana* Ecclesiæ et personis Ecclesiasticis ibidem illata hactenus, revocanda, et fortassis ad eandem Ecclesiam restituendam in solidum pristinæ libertati. *Quibus auditis, super hiis deliberavit, in hunc modum respondens*; Quod cum sua Beneficia exilia nimis existant, ipsique per Satellites *Hibernicos* et per guerram, depauperati sunt et adnihilati; adeo quod victus totius anni eis non sufficit commode per sex Menses, (quod est planius omni plano) dictæ petitioni in aliquo condescendere, non voluntate sed impotentia repugnante, penitus denegabat; *sedem Apostolicam, ne nos contra ipsum hac occasione procederemus, inconsulto Romano Pontifice (cujus licentia specialis, juxta Statuta Canonica, est necessario in talibus obtinenda) una cum Clero Provinciæ concorditer in scriptis appellans. *Nos siquidem qui voluntati Regiæ sitimus, ut decedet, pro viribus complacere*, sponsam duximus mole Debitorum adeo prægravatam, tempestate guerrarum tam continue perturbatam, et tam tenuem in facultatibus (*licet erubescamus hoc dicere*) quod ex ea non possumus juxta dignitatis nostræ decentiam commode sustentari, sed extra nostram Diocesim, in qua nulla penitus victualia possidemus, nos urget ad præsens necessitas commorari; et in fide qua Creatori, Romanæ Ecclesiæ vobisque tenemur astricti, omnia nostra bona mobilia et se movantia, pro exoneratione nostræ Ecclesiæ Debitorum, per triennium concederemus et amplius cum actione multiplicium gratiarum (*licet hoc aliquibus incredibile videatur.*) Unde ad præmissa cum nostris Suffraganeis atque Clero contra nostram voluntatem nunc compellimur concordare. *Quapropter Regiam vestram Magnificentiam devotis precibus exoramus*, quatinus, intuitu pietatis divinæ, nostræ compatientes impotentiæ, excusationem nostram justissimam et verissimam in præmissis gratam habere dignemini pariter et acceptam. *Valeat & vigeat vestra Regia Celsitudo, &c. Datum apud* Athnery 8. *die* Junii, *Anno &c.* 1291.

Nota.

Nota.

DOMINO *suo Reverendissimo Domino* E. *Dei gratia Regi* Angliæ, *&c. suus humilis ac devotus* S. *eadem gratia* Cassel. *Minister, salutem, & glorioſum de hostibus semper reportare triumphum. Literas vestræ Regiæ Majestatis recepimus, continentes, quod fratres nostros & Co-episcopos induceremus*, ut vobis de suis Spiritualibus Decimam unius Anni liberaliter concederent, ad relevanten immensarum expensarum circa Principis de la Morrey deliberationem, *& pacis inter Reges diversos reformationem, per vos factarum. Nos autem fratrum nostrorum, Capitulorum, & Cleri factâ congregatione generali, negotium vestrum predictum eisdem plenissime* Ibidem.

An. 19 E. 1. (*prout possibilitas nostra permittebat*) *exposuimus: Rationes efficaces, per quas eorum animos* ad Decimam concedendam *alliceremus, adducentes, intimas eis supplicationes infundendo, & crebris monitionibus eos salubriter exhortando,* ut huic vestræ gratiosæ petitioni annuerent: *Qui demum, super hoc cum Clero suo habito diligenti tractatu,* unanimiter nobis male dederunt responsum; Quod cum omnes sui Parochiani sint variis guerrarum concussionibus et aliis indebitis provisionibus depauperati, Clerus ad tantam devenit inopiam, quod unde vivere omnino non habent; et licet Cleri ad hoc voluntas inclinet, potentia tamen repugnat. Et licet nos et Confratres nostri animo benivolo vestræ petitioni condescenderemus, consensum tamen Cleri ob causas prædictas allicere non possumus. *Et quia nos de alieno fine juris injuria largiri non valemus, vestræ Majestati devotè supplicamus, quatinus caritatis intuitu, & ob Creatoris vestri reverentiam, istud nobis non impingatis: quia novit ille qui nichil ignorat, quod nos corpus nostrum & omnia quæ habemus, pro vobis exponere sumus parati: & circa dictum negotium, licet illud ad finem non perduximus optatum, omnem quam potuimus adhibuimus diligentiam. Conservet vos, &c.*

In eadem Bundela, An. 19 E. 1.

Excellentissimo Domino & Magnifico Principi E. *Dei gratia Illustri Regi* Angliæ, &c. *suus (si placet) frater* N. *ejusdem miseratione,* Daren. *Ecclesiæ Minister humilis & indignus, corporis & animæ salutem, de hostibus triumphum, & per Regni temporalis fructuosos labores, æternæ quietis & regni cœlestis sceptrum feliciter promereri. Ad vestram illustris Excellentiæ mandati ac petitionis instantiam, à* Paschate *Dominica in tres Septimanas per discretum virum Magistrum* Thomam Cantok, *Clerici vestri ac Nuncii* Dublinenses, *una cum aliis totius* Hybèrniæ *Prælatis,* ibidem ob idem mandatum vestrum pariter congregatis, recepti, sicut ibidem de communi omnium Prælatorum et singularum Diœcesum Clericorum consilio et assensu provisum fuerat; *Nos omni celeritate, qua potuimus, universo Clero nostro ad majorem Ecclesiam* Kildar. *convocato, cum omni instantia, diligentia & industria, quibus scivimus,* eundem Clerum per varias exhortationes, monitiones, et obsecrationes, secundum gratiam nobis datam induximus cum effectu, ut Petitionem rationabilem et modestam, de Decima parte suorum Bonorum Spiritualium, vestræ Magnificentiæ, tanti Principis, ac nostri nativi Domini, cum omni sollicitudine, benivole ac gratanter, studerent debito ac optato effectui mancipare. Qui Clerus deliberato Consilio, universaliter, omnes et singuli sine cordis angustia concorditer responderunt, quod bobis et cordis affectu de bonis suis Spiritualibus libenti animo subvenirent, si facultates voluntatibus responderent. Set re vera (ut testificari potest tota *Hibernia*) Provincia Daren. Dioc. pro majori parte per crudeles et continuas Guerras, ac diuturnas jam per 24. annos, per Dominorum oppressiones ac Ballivorum extorsiones, et Hybernicorum quasi cotidianas spoliationes et furta, in tantum est dissipata ac quasi funditus extenuata, quod ad suam sustentationem et tenuem, et exilem non sufficiunt: Propter quæ ad præsens (*de quo maximè dolent*) non valent petitionem vestram in hac parte, prout vellent, aliquatenus adimplere: Set orationes et lachrymas, quibus in his adversitatibus et ærumnis pro defectu pacis abundant, pro bobis et vestris Regi omnipotenti corde contrito et tribulato omni devotione qua poterunt offerre continue non desistent; quorum impotentiam et bonorum inopiam, non affectionis aut ingratitudinis ignaviam (teste Deo) habere dignetur vestra Majestas Regiæ misericorditer excusatam. *Nos vero licet eadem incommoda patiamur, & are alieno propter defensionem pauperum nostrorum ab incursibus hostilibus* Hybernensium *vastatorum sumus quamplurimum onerati, qui sumus vobis tam ex naturali affectu quam ex multiplicibus vestris beneficiis & honoribus arcius & tenerius astricti,* toto cordis affectu et gratanti animo decimam partem bonorum nostrorum Spiritualium, ad annum proximum, ad festum Sancti *Michaelis* propius incipientem, Vobis concedimus gratiose, * —— —— —— *& verentes tanto Principi ac Domino nobis in negotiis nostris gratissimo, sicut retroactis temporibus experti sumus, offerre tam exigui subsidium* ———— ———— *quod vestram Regiam generositatem potius pensetur affectus quam census, coram Deo vobis possumus testificari quod à concessione* ———— ———— depauperata et miserabiliter tribulata sicut nunc, cujus veritatem et causam scire poteritis ab bis qui terram noverunt. *Valeat, &c.*

* *Dolentes.*

Sundry

The Archbiſhop of *Dublin*, with ſundry Earls, Barons and Gentlemen of *England* who had Lands in *Ireland*, having granted the King this year a Quindiſme in *Ireland* at his ſpecial requeſt, in an extraordinary way, (though moſt Archbiſhops, Biſhops, Abbots, Priors, Eccleſiaſtical perſons and inferiour Clergy of *Ireland* denyed and oppoſed it) the King iſſued theſe ſeveral Patents to them, that it ſhould not be drawn into future cuſtom or preſident to their prejudice, requeſting the like Quindiſme from others there. *An.* 19 E. I.

REX omnibus & ſingulis fidelibus ſuis in *Hibernia* ad quos, &c. ſalutem. Cum venerabilis pater *F. Dublin.* Archiepiſcopus, necnon dilecti & fideles noſtri *W. de Valencia* Comes *Pembroch. G. de Clare* Comes *Glouc.* & *Herif.* & *Rogerus le Bygod* Comes *Norff.* & Mareſcallus *Angliæ*, & alii quamplures Barones & Magnates in partibus *Hibernie* terras habentes, **nobis bonorum ſuorum Quintamdecimam gratanter conceſſerint, ad exonerationem æris alieni qua multipliciter prægravamur**, prout in literis ſuis patentibus inde confectis plenius continetur. Nos de fidelitate & affectione quas vos erga nos habere cognovimus, ſpecialiter confidentes & conſiderantes, **vos velle ex cauſis quibus iidem Magnates nobis ſubvenerint ſimiliter ſubvenire, vos attente requirimus et rogamus, quatinus hujuſmodi Quintamdecimam de bonis veſtris nobis velitis concedere gracioſe**, prout dilectus Clericus noſter Magiſter *Thomas Canetok* Cancellarius noſter *Hibernie* plenius noſtro nomine vobis dicet. Et quid nobis in hac parte feceritis ſeu duxeritis faciend. veſtrum quilibet per ſuas literas nobis reſcribat, ut ex hoc ſcire poterimus **in quantæ fidelitatis et affectionis ardore erga nos geritis veſtra vota.** Volumus ſiquidem & concedimus pro nobis & hæredibus noſtris, **quod hujuſmodi veſtra conceſſio gracioſa vobis aut libertatibus veſtris non cedat in præjudicium, vel trahatur in conſuetudinem ſeu conſequentiam in futurum.** In cujus, &c. Teſte Rege apud *Bergeveny*, 26 die *Octobris*. Pat. 19 E. I. m. 3. Hibern. De Quintadecima.

REX omnibus Ballivis & fidelibus ſuis ad quos, &c. ſalutem. Sciatis, quod cum dilectus & fidelis noſter *Theobaldus de Verdon* **Quintamdecimam bonorum ſuorum mobilium, necnon hominum et tenenciam ſuorum infra libertates ſuas in *Hibernia*, quantum in ipſo eſt, nobis conceſſerit gracioſe**, ſicut ipſe & alii fideles noſtri in *Anglia* nuper fecerunt, **volumus et concedimus pro nobis et hæredibus noſtris, quod conceſſio illa præfato *Theobaldo* ſeu hæredibus ſuis, vel hominibus earundem libertatum, aut eiſdem libertatibus non cedat in præjudicium, vel trahatur in conſuetudinem ſeu conſequentiam in futurum.** In cujus, &c. Teſte ut ſupra. Ibidem.

Conſimiles literas habet *Rogerus le Bygod* Comes *Norff.* & Mareſcallus *Angliæ*. Teſte ut ſupra.

Conſimiles literas habet *Agnes de Valenc.* Teſte ut ſupra.

Conſimiles literas habent **Archiepiſcopi, Epiſcopi, Abbates, Priores, Hoſpitalarii, Templarii, et alii Eccleſiaſtici viri in *Hibernia*.** Teſte ut ſupra.

Conſimiles literas habet *Ricardus de Burgo* Comes *Ulton.* Teſte Rege apud *Wygorn.* 10 die *Novembris*.

What Soveraign Eccleſiaſtical Juriſdiction the King exerciſed this year over Eccleſiaſtical perſons and preferments in *Ireland*, theſe Records will inform us.

REX Juſtic. ſuo *Hibernie*, Vicecom. & omnibus aliis Ballivis & Miniſtris in *Hibernia* conſtitutis, ſalutem. **Volentes inter Fratres Ordinis Minorum *Hibernie*, pacem, tranquillitatem et concordiam firmiter obſervari**; Vobis mandamus, & in fide qua nobis tenemini firmiter injungimus, quod reverendo patri fratri *Reymundo* generali Miniſtro dicti Ordinis, & aliis Fratribus quibus ſuper hoc commiſerit vices ſuas, **ut libere corrigere poſſit ſeu poſſint, exceſſus dictorum Fratrum quociens opus fuerit**, (by the Kings order and appointment) **ſecundum Ordinis illius diſciplinam viriliter aſſiſtatis, ad ipſorum requiſitionem, rebelles dicti Ordinis compeſcentes modis et formis ad hoc neceſſariis, quociens per ipſos vel ipſorum aliquem inde fueritis requiſiti. Mandamus inſuper per præſentes omnibus ſubditis noſtris *Hibern.* ut in præmiſſis vobis pareant et intendant.** In cujus, &c. Pat. 19 E. I. m. 6. De Fratribus Minoribus Hibern.

An. 19 *E.*1. Dat. apud *Devises* 18 die *Septembris*. It seems these Monks were then very disorderly and rebellious against their Superiour, so as nothing but the Kings Soveraign power could restrain or reform them.

Pat. 19 E. 1. m. 15. Hibern. De Temporalibus restitutis.

REX *Willielmo de Vesey* Justic. suo *Hiberniæ*, salutem. **Cum Dominus Papa electionem nuper celebratam in Cathedrali Ecclesia** *Cassalen.* de discreto viro *Stephano* Archidiacono *Glendalacen.* in Ecclesia *Dublin.* **in Archiepiscopum dictæ Ecclesiæ** *Cassalen.* **cui prius Regium assensum adhibuimus et favorem confirmaverit, sicut per literas ejusdem Papæ Bullatas nobis inde directas plenius nobis constat: Nos confirmationem illam acceptantes, cepimus fidelitatem ipsius** *Stephani*, & Temporalia Archiepiscopatus prædicti, prout moris est, ei restituimus. Et ideo vobis mandamus, quod eidem *Stephano* temporalia Archiepiscopatus ejusdem sine dilatione liberetis, sicut prædictum est. In cujus, &c. Teste Rege apud *Elmeden* 27 die *Marcii*.

Et mandatum est Militibus, &c. Teste ut supra.

Pat. 19 E. 1. m. 21. Hibern. De Temporal. restitutis.

REX *Willielmo de Vesey* Justic. suo *Hibern.* salutem. **Cum nuper electioni factæ** in Ecclesia Cathedrali *Rossen.* de *Laurencio* Canonico ejusdem Ecclesiæ **in Episcopum ejusdem loci, Regium assensum adhibuerimus et favorem.** Nos eidem Electo ut suis parcatur laboribus, *&c.* Acceptis tamen, *&c.* (as in others premised.) In cujus, &c. Teste Rege apud *Assherugg.* 12 die *Januarii*.

Ibidem. De assensu electioni adhibito.

REX **electioni nuper factæ** in Ecclesia *Rossen.* de *Laur.* Canonico ejusdem Ecclesiæ **in Episcopum ejusdem loci, Regium assensum adhibuit et favorem.** Et hoc significatum est *Cassalen.* Archiepiscopo, ut quod suum est in hac parte exequatur. Teste ut supra.

Pat. 19 E. 1. m. 22. Hibern. De Temporal. restitutis.

REX dilecto & fideli suo *Willielmo de Vesey* Justic. suo *Hibern.* salutem. Cum **nuper electioni factæ** in Ecclesia Conventuali Sancti *Thomæ* Martyris juxta *Dubliniam*, de fratre *Radulfo de Wiltshir* Priore ejusdem domus in Abbatem ejusdem loci, **Regium assensum adhibuerimus et favorem**: Nos eidem Electo ut suis parcatur laboribus, &c. Acceptis tamen, &c. In cujus, &c. Teste Rege apud *Assherugg.* 8 die *Januarii*.

Ibid. m. 23. De assensu electioni adhibito.

REX, &c. **electioni nuper factæ** in Ecclesia Conventuali Sancti *Thomæ* Martyris juxta *Dubliniam*, de fratre *Radulfo de Wiltshir* Priorem ejusdem domus in Abbatem ejusdem loci, **Regium assensum adhibuit et favorem.** Et hoc significatum est venerabili patri *J. Dublin.* Archiepiscopo, ut quod suum est in hac parte exequatur. Teste ut supra.

Pat. 19 E. 1. m. 16. Hibern. De Temporal. restitutis.

REX dilecto & fideli suo *Willielmo de Vesey* Justic. suo *Hiberniæ*, salutem. Cum dilecti nobis in Christo Prior & Conventus domus beatæ *Mariæ* de *Kenlys*, nobis per literas suas patentes significaverint, quod Ecclesia sua prædicta per resignationem fratris *Angelici* nuper Abbatis ejusdem loci, Pastoris est solatio destituta, supplicantes nobis, &c. Nos eorundem Prioris & Conventus **laboribus et expensis in hac parte parcere volentes**, *&c.* (with all following clauses, as in other Patents of this kind.) In cujus, &c. Teste Rege apud *Westm.* 15 die *Marcii*.

In six several bundles of Writs in the White Tower, *Anno* 19 *E.* 1. I found these Writs for prosecuting and holding Plea of Lay Fee, Chattels and Debts, that concerned not Matrimony or Testament, in Ecclesiastical Courts.

Brevia Regis Anno 19 E. 1. in Turre London.

EDwardus *Dei gratia* Rex Angliæ, &c. *Vic.* Kanc. *salutem.* *Si* Rogerus de Morewörth *fecerit te securum*, &c. *tunc pone per vadium & salvos plegios Magistrum* Ricardum de Feringes *Archidiaconum* Cantuar. *quod sit coram Justiciariis vestris apud* Wellm. *in Octabis* Purificationis *beatæ* Mariæ *ostensurus*, **quare tenuit placitum in Curia Christianitatis de Laico feodo ipsius** Rogeri **in** Coryton, **contra Prohibitionem nostram.** *Pone etiam per vadium & salvos plegios* Robertum de Glalton. *personam Ecclesiæ de* Coryton, *quod tunc sit ibi ostensurus*, **quare secutus**

est

est idem placitum in eadem Curia contra Prohibitionem nostram. *Et habeas ibi nomina plegiorum, & hoc breve. Teste meipso apud* Assherugg. 11 *die* Januarii, *anno regni nostri* 19. *An.* 19 E. 1.

EDwardus *Dei gratia Rex* Angliæ, &c. *Vicecomiti* Devon. *salutem. Si* Robertus de Morkehill *fecerit te securum*, &c. *tunc pone per vadium & salvos plegios Magistrum* Petrum de Insula *Archidiaconum* Exoniensem, & Rogerum le Clerk, *quod sint coram Justiciariis nostris apud* Westm. *à die Sancti* Michaelis *in quindecim dies, ostensuri,* **quare tenuerunt placitum in Curia Christianitatis de Catallis et Debitis, quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem nostram.** *Pone etiam per vadium & salvos plegios* Matthæum *Vicarium Ecclesiæ de* Payhembiry, & Henricum le Chapeleyn *de* Wydecomb, *quod tunc sint ibi ostensuri,* **quare secuti sunt idem placitum in eadem Curia contra Prohibitionem nostram.** *Et habeas ibi nomina plegiorum, & hoc breve. Teste meipso apud* Berewyk *super* Twedam 6 *die* Augusti, *anno regni nostri* 19. Brevia Regis Anno 19 E. 1. in Turre London.

The like Writ issued to the Sheriff of *Wiltes*, for Alesia *quæ fuit uxor* Walteri Hubert, *versus Magistrum* Willielmum de Abyndon *Archidiaconum* Wiltes. *quod sit coram Justiciariis nostris apud* Westm. *&c. ostensurus,* **quare tenuerit placitum in Curia Christianitatis de Catallis et Debitis, quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem nostram.** *Et versus* Philippum de Neuband, *personam Ecclesiæ de magna* Sumerford, **quare secutus est idem placitum in eadem Curia contra Prohibitionem nostram.** *Teste meipso apud Sanctum* Andræam *in* Scotia 21 *die* Julii, *anno regni nostri* 19. Ibidem.

EDwardus *Dei gratia Rex* Angliæ, &c. *Vic.* Surr. *salutem. Si* Johannes le Mareschal *fecerit te securum de clamore suo prosequendo, tunc pone per vadium & salvos plegios Magistrum* Petrum de Sancto Mario *Archidiaconum* Surr. *& Magistrum* Johannem de Tycheseye, *quod sint coram Justiciariis nostris apud* Westm. *à die* Paschæ *in* 15. *dies, ostensuri,* **quare tenuerunt placitum in Curia Christianitatis de Catallis et Debitis, quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem nostram.** *Pone etiam per vadium & salvos plegios* Rogerum de Patrickesburn *Vicarium Ecclesiæ de* Kersaulton, *quod tunc sit ibi ostensurus,* **quare secutus est idem placitum in eadem Curia contra Prohibitionem nostram.** *Et habeas ibi nomina plegiorum, & hoc breve. Teste meipso apud* Ebor. —— *die* Aprilis, *anno regni nostri* 19. Ibidem.

EDwardus *Dei gratia Rex* Angliæ, &c. *venerabili in Christo patri* J. *eadem gratia Episcopo* Wynton. *salutem. Mandamus vobis, quod venire faciatis coram Justiciariis nostris apud* Westm. *in Octabis Sancti* Michaelis, *Magistrum* Petrum de Sancto Mario *Archidiaconum* Surr. *Clericum vestrum, ad respondendum* Johanni le Mareschal *de* Kersalton, *de placito,* **quare tenuit placitum in Curia Christianitatis de Catallis et Debitis, quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem nostram,** *ut dicitur; & unde Vic. noster* Surr. *mandavit Justiciariis nostris apud* Westm. *à die* Paschæ *in* 15. *dies, quod predictus Magister* Petrus *Clericus est, & non habet Laicum feodum in Balliva sua per quod potest attachiari. Et habeatis ibi hoc breve. Teste* J. de Metingham *apud* Westm. 8 *die* Junii, *anno regni nostri* 19. Thus retorned by the Bishop. Ibidem.

Dorso. *Per istud breve Magistrum* Petrum de Sancto Mario *Archidiaconum* Surr. *citavimus, & per sequestr. bonorum suorum Ecclesiasticorum distrinximus, ad veniendum & faciendum quod in brevi continetur.*

EDwardus *Dei gratia*, &c. *venerabili in Christo patri* R. *eadem gratia Episcopo* London. *salutem. Mandamus vobis, sicut alias vobis mandavimus, quod venire faciatis coram Justiciariis nostris apud* Westm. *in Octabis Sanctæ Trinitatis* Radulphum *Vicar. Ecclesiæ de* Mapeldoisted *Clericum vestrum, ad respondend.* Ricardo *fil.* Gerardi Hakesofte, *de placito,* **quare ipse simul cum Magistro** Willielmo de Norton *Archid.* Midd. **tenuit placitum in Curia Christianitatis de Catallis et Debitis, quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem nostram,** *ut dicitur. Et vos ipsi tunc sitis ibi auditur. Judicium vestrum de hoc,* quod mandatum Brevi Regis An. 19 E. 1. in Turre London.

An. 19 *E.* 1. tum nostrum prius inde vobis directum, non estis executi, *sicut vobis mandatum fuit. Et habeatis ibi hoc Breve. Teste* J. de Metingham *apud* Westm. 23 *die* Febr. *Anno regni nostri* 19.

Brevia Regis Anno 19 E. 1. in Turre London.

EDwardus, &c. *Vicecomitibus* Londor. *salutem. Si* Rogerus Cruk, *&c. tunc ponite, &c.* Bartholomæum de Castello, *quod sit coram Justiciariis nostris apud* Westm. *à die Sancti* Johannis Baptistæ *in quindecim dies, ostensurus*, quare secutus est placitum in Curia Christianitatis, de Catallis et Debitis quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem nostram, *&c. Teste meipso apud* Norham, 7 *die* Junii. *Anno Regni nostri* 19.

Brevia Regis An. 19 E. 1. in Turre London.

EDwardus, &c. Lincoln. *Episcopo, salutem. Mandamus vobis sicut alias mandavimus, quod venire faciatis coram Justic. nostris, &c. Magistrum* Johannem de Monemuth Cancellarium Universitatis Oxon. & *Magistrum* Johannem de Ros Clericos vestros, *ad respondendum* Radulpho de Lech *de placito*, quare tenuerunt Placitum in Curia Christianitatis, de Catallis et Debitis quæ non sunt de Testamento vel Matrimonio, contra Prohibitionem nostram, *ut dicitur. Et unde Vic. noster* Oxon. *mandavit Justiciariis nostris apud* Westm. *à die Sancti* Michaelis, *in tres Septimanas, quod prædicti Magister* Johannis de Munemuth & *Magister* Johannis de Ros *Clerici sunt, & non habent Laicum feodum in Balliva sua, per quod possint attachiari. Et unde vos ipsi mandastis Justiciariis nostris apud* Westm. *in Crastino* Purificationis *beatæ* Mariæ, *quod Breve nostrum, quod vobis inde venit, adeo tardè venit, quod illud exequi non potuistis. Et habeatis ibi hoc Breve. Teste* J. de Metingham *apud* Westm. —— *die* Febr. *Anno Regni nostri* 19. Whereupon he returned one of hem who had a Benefice summoned.

Previa Regis An. 19 E. 1. in Turre London.

EDwardus, *&c. Vic.* Norff. *salutem. Si* Johannes Ourpel & Thomas Dynne, *fecerint te securum, &c. tunc pone, &c.* Ricardum de Boylonde, *qui fuit Officialis Archidiaconi* Norff. *quod sit coram Justic. nostris apud* Westm. *à die Sancti* Hillarii *in quindecim dies, ostensurus*, quare tenuit placitum in Curia Christianitatis de Catallis et Debitis, *&c.* contra Prohibitionem nostram. *Pone etiam, &c. Abbatem de* Westderham *quod tunc sit ibi ostensurus*, quare secutus est idem placitum in eadem Curia, contra Prohibitionem nostram. *Teste meipso apud* Asherugg. *An. r. n.* 19.

So many encroachments were there this year upon the Kings Courts, Prerogative, and Subjects Liberties by the Ecclesiastical Courts, Officers, and Clergymen; and so many Prohibitions, Actions against them for the same, the last in *Norwich* Diocesse: Notwithstanding *William* Bishop of *Norwich*, but few years before made a *Fine* of one Thousand marks to the King, for his Archdeacon and Clerks convicted before his Justices Itinerant in the County of *Norfolk*, for their Trespasse in drawing some into their Ecclesiastical Courts for Chattels, Debts, and secular contracts, which concerned not Testament or Matrimony, and for Lay Fees, to the prejudice of the Kings Crown and Dignity, to redeem them from imprisonment and vile usage; of which Fine the Archdeacon payd 100 marks for his share, as this Record (cited by the Judges in a Treatise concerning *Prohibitions*) informs us.

* Com. Plac. in Tur. Lond. Anno 17 E. 1. Ro. 9. Norff.

* *Inter communia Placita de Termino Sanctæ* Trinitatis, *Anno* 17 E. 1. *die Veneris in crastino Conversionis Sancti* Pauli, *cum exigeretur à Magistro* Alano de Freston *Archidiacono* Norff. *portio quæ dicebatur ipsum contingere* de Fine mille marcarum, *quem bonæ memoriæ* W. *quondam* Norwicensis *Episcopus fecit cum Rege*, de Clericis suis convictis coram Justiciariis *ultimo Itinerantibus in Comitatu* Norff. super diversis transgressionibus, trahendo in placitum in Curia Christianitatis quosdam tam super Catallis, Debitis, Contractibus secularibus, quam Laicis feodalibus, quæ non sunt de Testamento vel Matrimonio, sed spectantibus ad Curiam Domini Regis, ne imprisonarentur, vel viliter tractarentur. *Tandem inspectis Rotulis* de Transgressionibus Clericorum prædict. exhibitis ad Scac. *per* R. B. unum Justiciar. prædict. examinatisque qualitate et quantitate transgressionum vel oppressionum præfato Archidiacono impositis, *concessum est ei*, quod det Regi Centum marcas pro portione sua prædict. &c. *Postea prædict. Magister* Alanus solvit prædict. Centum marcas per unam Talliam Scaccarii, quæ allocatur eidem Episcopo in Fine prædict. Mille marcarum sub nomine prædict. Magistri Alani *in Rot.* 9. Norff.

In

In the Third bundle of Writs *Anno* 19 E. 1. I met with this Writ of resummons and *Procedendo* to the Judges, who stayed proceedings at Law upon an Excommunication pleaded, and refused to proceed after an Absolution from it, certified by the Archbishop of *York*. *An.* 19 *E.* 1.

EDwardus *Dei gratia Rex* Angliæ, &c. *dilectis & fidelibus suis* Johanni de Metingham, *& sociis suis Justiciariis de Banco, salutem.* *Monstravit nobis* Stephanus Skot *de* Manfield, *quod cum loquela, quæ fuit coram* Thoma de Weylond *& sociis suis nuper Justiciariis nostris de Banco, per Breve nostrum, inter ipsum* Stephanum *petentem*, & Dionysiam *quæ fuit uxor* Roberti de Manfield *tenentem, de tertia parte unius Messuagii, & duarum Bovatarum terræ cum pertinentiis in* Manfield: *Et loquela quæ fuit coram eisdem Justiciariis, per aliud Breve nostrum, inter prædictum* Stephanum & Henricum Pygot, *de eo quod idem* Henricus *acquietet præfatum* Stephanum *de servitio quod* Willielmus de Lenyngton & Johanna *uxor ejus*, Henricus de Crauncewyk & Elizabeth *uxor ejus*, Adam de Kirkeby & Matil. *uxor ejus*, & Alicia *soror ejusdem* Matil. *ab eo exigunt de libero tenemento suo, quod de præfato* Henrico Pygot *tenet in* Manfield: *Et loquela quæ fuit coram eisdem Justiciariis per aliud Breve nostrum, inter ipsum* Stephanum *petentem*, & Henricum Pygot *tenentem, de duabus partibus unius Messuagii, & duarum Bovatarum terræ cum pertinentiis, (exceptis una Acra, & una Roda terræ) in* Manfeld, *prætextu cujusdam literæ venerabilis patris* J. *Archiepiscopi* Ebor. *coram Justiciariis prædictis in Octabis Sancti* Michaelis *anno regni nostri decimo septimo ibidem porrectæ, Testificantes*, quod prædictus Stephanus propter manifestam contumaciam suam authoritate prædicti Archiepiscopi Diocesana excommunicatus fuit, nec se voluit per censuram Ecclesiasticam justiciari, hactenus sine die remanserint; ac licet idem Stephanus alias literas prædicti Archiepiscopi patentes coram vobis in prædicto Banco ostenderit, testificantes, quod prædictus Stephanus a prædicta Excommunicationis sententia absolutus est, et a vobis petierit, quod loquelæ suæ prædictæ per Brevia nostra de judicio coram vobis in eodem Banco perplacitandæ, more debito et consueto resummoneantur: Vos tamen resummonitionem illam sibi facere denegastis, in ipsius Stephani dispendium non modicum et grabamen, et exhæredationis suæ periculum manifestum, et contra legem et consuetudinem regni nostri. *Et quia nolumus quod prædictus* Stephanus *super jure suo in præmissis, per hujusmodi dilationes importunas, ulterius defraudetur; Vobis mandamus, quod inspecto Recordo & Processu loquelarum prædictarum, coram præfato* Thoma *& sociis suis habitis, & etiam* literis prædicti Archiepiscopi de absolutione prædicta, *si inveneritis ita esse: Tunc loquelas prædictas coram vobis resummoneri faciatis: Ita quod sint in eodem statu coram vobis in Banco prædicto ad certum diem, quem partibus ad hoc duxeritis præfigendum, quo fuerunt in prædictis Octabis Sancti* Michaelis, *quando occasione prædictæ literæ prædicti Archiepiscopi* de Excommunicatione prædicta sine die remanserunt, *ut in loquelis prædictis extunc procedatur*, prout de jure et secundum legem et consuetudinem regni nostri fuerit provisendum. *Nec pro defectu vestri oporteat ipsum* Stephanum *ea occasione ad nos habere recursum: Teste meipso apud* Assherugg. 20 *die* Junii, *Anno regni nostri* 19. Ibidem.

The Archbishop of *Yorke* excommunicating sundry persons in *Westmerland*, who were imprisoned upon a *Capias Excommunicatum*, and refusing to accept of their Caution; the Chancellor issued this Writ in the Kings name to accept their Caution, and enlarge them, to which the Sheriff made this dilatory return.

EXcellentissimo in Christo Patri Domino *R.* permissione divina *Bathoniensi & Wellensi* Episcopo, Domini Regis Cancellario, suus (si placet) *G. de Bronnelneshed* Vicecomes *Westmerl.* Salutem, Reverentiam, & Honorem. Mandatum Domini Regis in hæc verba recepi. *Edwardus*, &c. Vic. *Westmeril.* salutem. Ex parte *Rogeri de la Cusine, Johannis Wagebataile, Simonis Bennalet, Willielmi de Muskeburn, Rogeri* fil. *Roberti Mareschalli, Willielmi Patenyn* Capellani, & *Nicholai de Fintall*, quos; ad denunciationem venerabilis Patri *J. Eborum* Archiepiscopi, tanquam excommunicatos, et claves Ecclesiæ contempnentes, per corpora sua secundum consuetudinem Angliæ, per te justiciari præcepimus, donec Bundela Brevium, An. 19 E. 1 in Turre London.

Sanctæ

An. 19 *E.* 1. Sanctæ Ecclesiæ, tàm de contemptu, quàm de injuria ei illata ab eis, fuerit satisfactum: nobis est ostensum, quod licet iidem *Rogerus*, *Johannes*, *Simon*, *Willielmus*, *Rogerus*, *Willielmus* & *Nicholaus* eidem Archiepiscopo frequenter obtulerunt idoneam cautionem de parendo mandatis Ecclesiæ in forma juris, ut absolutionis beneficium consequi possint: idem tamen Archiepiscopus cautionem illam ab eis hactenus admittere recusabit, de quo miramur. Et quia nolumus quod iidem *Rogerus*, *Johannes*, *Simon*, *Willielmus*, *Rogerus*, *Willielmus* & *Nicholaus* contra justiciam in prisona diutius detineantur; Tibi præcipimus, sicut alias præcepimus, quod in propria persona tua ad prætatum Archiepiscopum accedas, & ipsum ex parte nostra moneas, & efficaciter inducas, ut accepta ab eisdem *Rogero*, *Johanne*, *Simone*, *Willielmo*, *Rogero*, *Willielmo* & *Nicholao* cautione prædicta, ipsos à Prisona prædicta mandet deliberari. Et si idem Archiepiscopus in præsentia tua id facere noluerit, tunc tu ipsos *Rogerum*, *Johannem*, *Simonem*, *Willielmum*, *Rogerum*, *Willielmum* & *Nicholaum* à prisona prædicta, si eà occasione & non alia detineantur in eadem, deliberari facias; vel causam nobis significes, quare mandatum nostrum aliàs tibi inde directum exequi noluisti, vel non potuisti. Teste meipso apud *Dunfermelyn* in *Scotia* 14 die *Julii*. Anno Regni nostri decimo nono.

Mandatum alias mihi super hoc directum exequi non potui, eo quod tunc fui ad Scaccarium Domini Regis, compotum meum redditurus, per præceptum Domini Regis. Istud mandatum exequi non potui, eo quod *Robertus de Herteford* & socii sui Justiciarii assignati ad Assisas capiendas nunc sedent in Comitatu nostro. Et post eorum recessum ad Chacea Domini Regis de *Engelwode* & de *Landa* de *Plumpton* per mandatum Domini Regis una cum auxilio totius Comitatus nostri prædicti me oportet interesse; Unde (si placet) me excusatum habere velitis, eo quod negotia Dominum Regem tangentia præ omnibus aliis credo fore prærogatura. Valeat Sanctitas vestra per tempora diuturna.

The Kings Consort Queen *Alianor* deceasing in *December*, the King thereupon out of his Prerogative and devotion (according to the practise of that blind age) the 4th of *January* issued this Writ to all the Religious Houses and Monks of *Cluny* in *England* to sing Masses and make Pray ers for her soul, to purge it from all the remaining spots of sinne, and to certifie him the number of the Masses they would say for her, that proportionably he might thank them.

Pat. 19 E. 1. m. 11. Litera supplicatoria de orando pro Regina.

REX venerandæ Religionis viro Abbati *Cluniacensi* salutem, & dilectionem in Christo sinceram. Deus omnium Conditor & Creator, qui cœlestis profunditate consilii ordinat, vocat, disponat & revocat subjectas suæ providenciæ creaturas, Serenissimam Consortem nostram *Alienoram* quondam Reginam *Anglie*, ex Regali ortam progenie 4. Kalend. *Decembris* de præsenti seculo (quod vobis non sine multa mentis amaritudine nunciamus) sicut sibi placuit evocavit. Cum itaque dictam Consortem nostram quam vivam carè dileximus, mortuam non desinamus amare, ac opus sanctum & salubre juxta divinæ scripturæ sententiam censeatur pro defunctis, ut a peccatorum solvantur nexibus exorare, paternam caritatem vestram affectuosis precibus duximus exorandam & instancius implorandam, quatinus ipsius Consortis nostræ exequias cum omni devotione solempniter proborantes, animam ejus cum decantatione Missarum et aliis Ecclesiasticis Sacramentis Deo vivo, qui aufert Spiritum Principum specialiter recommendetis; Adjuvantes eandem, ac etiam facientes à Prioribus, Monachis, Clericis, & aliis vestris subditis in Sacramentorum suffragiis, eleemosinis, cæterisque operibus caritatis salubriter adjuvari, ut si quid maculæ non purgatæ in ipsa forsan oblivionis defectu, vel alio modo remansit, per utilia Orationum vestrarum præsidia juxta divinæ misericordiæ plenitudinem abstergatur. (Not by Purgatory fire, Holy Water, or Popes pardons.) Quæsumus igitur, ut de Missarum et aliorum suffragiorum hujusmodi numero quæ pro præfata Consorte nostra decreveritis facienda, per vestras literas nos curetis reddere certiores, ut ex hoc metiri possimus ad quales quantesque grates et gratias ob præmissa devotioni vestræ teneri merito debeamus. Dat. apud *Asshrugg*, 4. die *Januarii*.

* *William*

* *William Thorne* informs us, that about this time, (An. 1290.) (most probably upon the like Writ) *Dominus* Thomas (Prior of *Christ-church* in *Canterbury*) *concessit Domino Regi in festo translationis beati* Edwardi 50 Psalteria, et 2350. Missas pro animabus progenitorum suorum et Reginarum *Angliæ*, as a great extraordinary liberality and Spiritual Almes. *An.* 19 *E.* 1. * Chronica, col. 1958.

About this time also the Abbot of *Condam* sent this Letter to the King, to inform him what Prayers, Masses and Anniversaries he and his Monastery had ordered for her speedy translation to heavenly joyes.

EXcellentissimo Principi, ac inter chares charissimo Domino suo, Domino *Edwardo* Dei gratia Regi *Anglia*, &c. suus in omnibus & per omnia, *Arnaldus Othonis* divina permissione humilis Abbas *Condom.* salutem quam peperit uterus Virginalis. Cum cordis compunctione & amaritudine Rumores de Domina nostra charissima Domina *Helianora* Regina uxore vestra audivimus; continentes, ipsam esse viam universæ Carnis ingressam; Cujus animam ob Dei reverentiam & vestram & ejus specialem dilectionem cum toto Conventu nostro, ut Sororem in Spiritualibus, statim rumore perlato recepimus; et specialiter in Missis, Jejuniis, Orationibus, Elemosinis, in Monasterio nostro et Prioratibus nobis submissis, factis et faciendis; et etiam ad Anniversarium annuum speciale per nos et Conventum nostrum faciendum in die sui obitus; ut ille, cui nichil est absconditum, per suam sanctam misericordiam, propter prædicta Beneficia & alia, quæ in ejus commemorationem ubique fieri contigerit, ipsam celeriter ad cœleste gaudium vocare dignetur, *Amen.* Valete bene & diu, & Dominus conservet vos & familiam vestram, & in agendis vos dirigat, & ad vitam æternam perducat, Amen. Dat. *Condom.* die Sabbati post festum *Paschæ* Anno Dom. 1291. Fundela Brevium, An. 19 E. 1. in Turre London.

The King this year among other Privileges, granted to the Burgesses of *Haverford* in *Wales*, Omnes bonas leges & consuetudines quibus Burgenses nostri de *Kardigan* usi sunt hucusque rationabiliter & gavisi, ut in communis, planis, aquis, & omnibus aliis aisiamentis ad prædictam Villam de *Haverford* spectantibus, & semper retroactis temporibus optentis & justè usitatis. Concessimus eciam eisdem Burgensibus, quod si dicti Burgenses aut eorum aliquis infra terram & potestatem nostram testati vel intestati decesserint: Nos vel hæredes nostri bona ipsorum confiscari non faciemus, quin eorum hæredes bona illa integre habeant quatenus ea dictorum defunctorum fuisse constiterit, dum tamen de dictis hæredibus fides aut noticia habeatur. Which clause concerning intestates goods implies, that formerly they were forfeited or belonged to the King, and were at his disposal, nor their own, nor the Ordinaries. Chart. 19 E. 1. m. 1. Pro Burgensibus de Haverford.

The King out of his Royal piety and Charity granted this Patent of Protection and assistance to the Master and Freers of St. *Lazarus* in *Jerusalem*, to collect the Alms of good people against the Enemies of Christs Cross, (to whom the Pope to pick the peoples purses, had granted Indulgences for that purpose;) and to arrest all false and counterfeit Collectors of such Almes, who then it seems abounded.

REX omnibus ad quos, &c. salutem. Cum dilecti nobis in Christo Magister & fratres Militiæ domus Dei & Sancti *Lazari Jerosolom.* mittant quosdam Nuncios suos cum privilegiis Apostolicis et indulgenciis ad loca diversa ad elemosinas Christi fidelium colligendas ad sanctum vexillum beati *Lazari*, contra crucis Christi inimicos sustentandum. Nos eosdem Magistrum & fratres, ac eorum nuncios prædictos in protectionem & defensionem nostram suscepimus specialem; Vobis mandantes, quod ipsos Magistrum & fratres ac nuncios manuteneatis, protegatis, & defendatis, non inferentes eis vel inferri permittentes injuriam, molestiam, dampnum aut gravamen. Et si quid eis forisfactum fuerit, id eis sine dilatione faciatis emendari. Rogamus eciam vos, quod cum dicti fratres vel eorum nuncii ad vos venerint de bonis vestris elemosinas petituri, ipsos benigne admittere, et eisdem intuitu caritatis ad sustentacionem prædictam de bonis vestris erogare velitis, ut a Deo remunerationem condignam, et a nobis grates reportare possitis. Et quia quidam falsarii advocantes se per Magistrum & fratres domus prædictæ, nomine Pat. 19 E. 1. m. 13. Pro Magistro & fratribus Militiæ Domus Dei & Sancti Lazari Jerusal.

Ar. 19 *E.* 1. mine ipsorum Magistri et fratrum elemosinas colligunt, licet per ipsos potestatem ad hoc non habeant, ut intelleximus, Vos iterato requirimus & rogamus, quod cum aliqui tales sine literis patentibus prædicti Magistri causa hujusmodi Collectæ faciendæ per vos transitum fecerint, ipsos cum collecta illa arrestari faciatis, donec de hujusmodi malicia emendas fecerint competentes, prout in casu consimili aliàs fieri consuevit. In cujus, &c. Teste Rege apud *Norham.* 10 die *Junii.*

The like Patent and Protection issued, *num.* 20. *Pro Magistro & Fratribus Sancti* Jacobi de Alto Passo. *Teste Rege apud* Asherugg. 18 *die* Januarii.

The King also this year granted this Protection to the Abbey of *Fountaines* of the *Cistercian* Order, which formerly were very wealthy, but then grown poor and indebted, varying in the recital from former Protections of this kinde.

Par. 19 E. 1. m. 13. De Abbacia de Fontibus Johanni de Berewyk commissa.

REX omnibus ad quos, salutem. Non multum merentur ad disparia judicari, nova construere, & prius honorificè ac bene constructa, necnon dirruta subsequenter reficere, et in statum antiquum reponere prosperum et felicem. Sanè projicientibus nobis nostræ consideracionis intuitum ad multiplices possessiones et amplas, necnon ad dibiciarum habundanciam multifor mem, quibus Abbacia de *Fontibus Cistercienſis* Ordinis *Eborum* Diocesis, tempore fundacionis suæ insignita extitit et dotata, ac ad honores multimodos et elemosinarum largiciones quasi innumeras et alia opera pietatis quæ ex ipsa Abbacia olim consueberant provenire, necnon ad pauperacionem non modicam, depressionemque flebilem et statum miserabilem quibus extitit dudum depressa, et adhuc deprimitur in immensum. (By bribes, exactions of Popes, and ambitious Abbots of their own order.) Nos super statum illum & calamitatem & miseriam Abbaciæ prædictæ pietate moti, eam cum terris, redditibus, & omnibus possessionibus ac rebus aliis ad eandem Abbaciam pertinentibus, cepimus in protectionem & defensionem nostram specialem, & Abbaciam illam cum omnibus pertin. ad requisicionem dilectorum nobis in Christo Abbatis et Conventus ejusdem Abbaciæ, dilecto Clerico nostro *Johanni de Berewik*, quamdiu nobis placuerit commisimus custodiendam. Ita quod omnes exitus, redditus & proventus terrarum & possessionum Abbaciæ illius salva rationabili sustentacione prædictorum Abbatis & Conventus & hominum suorum, ad exoneracionem debitorum suorũ et relevationem aliorum defectuum ejusdem Abbaciæ reserventur, & eisdem exonerationi & relevationi per visum aliquorum de discrecioribus Abbaciæ ejusdem per adjutorium & consilium prædicti *Johannis*, prout melius fieri poterit applicentur: Nec volumus quod aliquis Vicecomes, Ballivus, seu Minister noster, aut alius quicumque in Abbacia prædicta, aut grangiis ad eam spectantibus, quamdiu in custodia præfati *Johannis* fuerit hospitetur, sine ejusdem *Johannis* licencia speciali. In cujus, &c. Teste Rege apud *Norham*, primo die *Junii.*

The like Protection *verbatim* was granted by the King to the Prior of *Lenton* of the same Order of *Cluny*, Pat. 20 E. 1. m. 4. *Teste Rege apud* Knaresburgh 18 *die* Septembris.

The King this year as Superior Lord of *Scotland*, commanded this Protection under his Great Seal of *Scotland* to be made to the Bishop of *Carliſle* and another Collector of the *Dismes* granted in *Scotland* to the Pope.

Rot. Scotiæ 19 E. 1. m. 11 intus De protectionibus faciendis R. Karl. & A. Catenen. Episcopo Collectoribus Decimæ in Regno Scotiæ.

REX & Superior Dominus *Scotiæ*, Venerabili in Christo Patri *A.* eadem gratiâ *Catanen.* Episcopo, Cancellario suo *Scotiæ* salutem. Mandamus vobis quod per literas Sigillo Regimine *Scotiæ* deputato signatas, faciatis habere Venerabili Patri *R. Karliol.* Episcopo & vobis ipsis Collectoribus Decimæ bonorum Ecclesiasticorum dicti Regni *Scotiæ* Sacrosanctæ Romanæ Ecclesiæ Summo Pontifici concessæ, Protectiones Regias cum clausis consuetis in forma Capellas, quamdiu prædictus *Karliol.* Episcopus & vos collectioni Decimæ prædictæ intenderitis duratur. In cujus, &c. Teste Rege apud *Chatton* 14. die *Augusti.*

The Abbots and Freers in that age, who pretended so much mortification of the flesh,

fleſh, faſting and abſtinence, were yet ſuch lovers of Veniſon, that they procured grants of the Tithes of all Veniſon killed in the Kings Foreſts, though not Tithable by Law, and were earneſt ſuiters for due payment thereof as well in times of War as Peace; witneſſe this Writ amongſt others. *An.* 19 E. 1.

MAndatum eſt *Johanni de Veſcy* Juſtic. Foreſtæ citra *Trentam*, quod habere faciat Abbati et Conventui Sanctæ *Mariæ Eborum* Decimam venacionis captæ et capiendæ in omnibus Forestis Regis in Com. *Ebor.* quam per cartas progenitorum Regis *Angliæ* in eiſdem Foreſtis habere debent, et prout ipſi temporibus aliorum Juſtic. Foreſtæ in eiſdem Foreſtis habere conſueverunt temporibus retroactis. Teſte Rege apud *Caldeſtrem* in *Scotia* 2. die *Auguſti*. Clauſ. 19 E. 1. m. 4. Pro Abbate & Conventu S. Mariæ de Decima venacionis.

How the covetous Monks preſumed to receive and purchaſe Lands in *Mortmain*, without the Kings licenſe, againſt all Statutes, Proviſions to prevent it, and when ſeiſed, procured reſpites of their ſeiſures till the next Parliament; theſe two preſidents, beſides ſundry others, will aſcertain us.

MAndatum eſt *Malculmo de Harley* Eſcaetori Regis citra *Trentam*, quod manerium de *Tofte* cum pertin. quod nuper cepit in manum Regis, eo quod Prior et Conventus de Sixele illud poſt publicationem ſtatuti de terris et ten. in manum mortuam non ponendis, ſine licencia Regis ſunt ingreſſi, replegiari faciat eiſdem Priori et Conventui uſque ad proximum Parliamentum Regis, una cum omnibus inde perceptis à tempore captionis ejuſdem in manum Regis. Teſte Rege apud *Aſſherugge*, 18. die *Jan.* Ibid m. 10. Pro Priore & Conventu de Sixele.

MAndatum eſt eidem *Malculmo*, *&c.* quod Meſſuagia illa quæ fratres Ordinis Sancti *Auguſtini* in Villa de *Huntindon* commorantes, nuper poſt confectionem Statuti noſtri de terris aut tenementis in manum mortuam non ponendis editi ſibi appropriarunt, et quæ ea occaſione cepit in manum Regis, eiſdem fratribus uſque ad prox. Parliamentum replegiari faciat. Teſte Rege apud *Weſtm.* 20. die *Decembris*. Ibid. m 11. Pro fratribus Ordinis Sancti Auguſtini Huntingdon.

I ſhall cloſe up this year with this memorable paſſage of *Matthew Weſtminſter* concerning Pope *Nicholas* and the Archbiſhop of *Canterburies* deaths, and the Freer Minors inſolency, pride, avarice whiles they lived, being of their Order.

[a] *Anno gratiæ* 1292. *tertio Nonas* Aprilis, Romæ *obiit Papa* Nicholaus *quartus, qui ſedit annis quatuor, menſe uno, diebus* 18. *poſt cujus obitum quidam verſificator pro Epitaphio ſic dixit*; a Flores Hiſt. An. 1292. p. 382, 383. See Walſingham, Hiſt. Angl. p. 20. Platina, Balæus, Creſpin, Opmerus, Laertius Cherubinus, and others in the life of Nicholas 4.

Gloria, laus, ſpeculum fratrum Nicholae Minorum,
Te bivente bigent, te moriente cadunt.

Cujus tempore fratres de Ordine Minorum Papam pro Sole habentes, Lunam Archiepiſcopum *Cantuarienſem* nominantes, cæperunt ſua Cornua erigere in univerſum orbem, nulli parcentes ordini vel honori in provincia *Anglicana*; nam Monachos et Profeſſores patris *Benedicti Wigorn.* & *Weſtm.* opido miſericorditer per potentiam et audaciam infeſtabant, (ſuch was theſe Monks enmitie againſt each other) *ut adimpleretur Propheſia Sanctæ Virginis* Hildegardis, *quæ in tempore beati* Bernardi *floruit Spiritu Sancto plena, quo docente, expoſuit & condidit multos libros, ſcilicet librum* Scivias, &c. *Inter cætera prophetiæ ſuæ opera in libro ſecundo* Speculi Temporum futurorum, *ſive* Pentacronon *Virginis* Hildegardis, *ſub Anno Gratiæ* 1142. *in titulo* de Novis Religionibus, *ſic dicebat ſecundo Capitulo, quod ſic incipit*; De imminente luce, *Iterum audivi vocem dicentem*, O filia *Sion*, corona capitis filiorum tuorum inclinabitur, et pallium dilectionis divitiarum eorum minuetur, *quia illud tempus non cognoverunt, quod eis ad videndum & ſubditos ſuos ad docendum dedi. Nam & verba ad nutriendum parvulos meos eis data ſunt, quæ ipſis recto & congruente tempore non præbent, & inde peregrini filii multi fame defecerunt, quoniam recta doctrina non reficiantur.* Vocem quoque habent et non clamant, opera in eis data ſunt, et non operantur, gloriam abſque merito habere volunt, et meritum abſque opere. *Qui gloriam cum Deo vult habere, proprietatem ſuam abcidat, & qui meritum*

An. 19 E. 1. *ritum apud Deum habere desiderat, opus ad hoc exhibeat, sed quia non facitis,* ad servos servorum computamini, et ipsi Judices vestri erunt, ac libertas vestra a vobis declinabit. *Sicut benedictio à* Canaan, *ista flagella percurrent. Alia autem & postea alia pejora venient;* Nam Diabolus in semetipso de vobis dicit, *escas epulantium & convivia omnis voluntatis meæ inveniam.* Sed et oculi et aures, et venter ac venæ meæ de spurcitiis istorum plena sunt, et ubera mea plena sunt de bitiis eorum. Nam ipsi laborare in Deo suo nolunt, sed eum quasi nihilum computant. *Quapropter cum eis incipiam militare, & jucunde cum eis ludere,* quoniam eos in agro Domini sui laborare non invenio, quemadmodum Deus eorum ipsos jubet. *Sed Oves discipuli & subditi mei, multo plus eis coram populo disciplinati, & quia tunc estis, erigite vos super eos,* et omnes divitias et omnem honorem abstraite ab eis, atque omnino spoliantes suffocate eos. *Hæc Diabolus in semetipso dicit, quæ etiam in multis judicio Dei ita complebit. Sed ego qui sum audientibus me dico, in tempore illo, cum illud fiet per quendam errantem populum pejorem & errante populo quæ nunc est,* super hos prævaricantes, prævaricatores ruina cadit, qui ubique hos persequitur, et qui opera vestra non celabit, sed quia ea denudabit, et qui de vobis dicet, isti Scorpiones in moribus et operibus serpentinis. *Sed & quasi in Zelo Domini de vobis imperabitur: iter impiorum peribit. Nam vias vestras in iniquitate vestra & intentionem deridebunt & subsannabunt, sed populus iste qui hæc faciet* a Diabolo seductus et missus pallida facie veniet, *& velut in omni sanctitate se componet,* ac majoribus secularibus Principibus se conjunget. *Quibus & de vobis sic dicit, quare hos vobiscum habetis, quare eos esse patimini,* qui totam terram in maculosis iniquitatibus suis polluunt. Isti avari et luxuriosi sunt, et nisi eos a vobis ejiciatis tota Ecclesia destruetur. *Populus qui hæc de vobis dicet vilibus capis, quæ alieni coloris sunt, induitur & recto modo intonsus incedit, atque omnibus suis placitum & quietum hominibus ostendit.* Avaritiam quoque non amat, pecuniam non habet, *atque in oculis suis tantam abstinentiam imitatur, quod vix ullus ex eis poterit reprehendi.* Diabolus autem cum hominibus istis est. latitare sub fulgore ejus se ostendens, velut in constitutione mundi ante ruinam sunt, et Prophetis aliquantulum se similem fecit, et dicit populo: *jucunda loquere scilicet quia rapida & immunda animalia, & velut me eis ostendam, sed nunquam in pennas ventorum fulgurante tonitruo volare volo, & omnibus modis infundere quæ omnem voluntatem meam perficerent, & sic in hominibus istis signa mea omnipotenti Deo assimulabo. Nam Diabolus per aerios Spiritus hæc operatur, &c. Isti autem deceptores non sunt qui ante novissimum diem venturi sunt, & cum Diabolus in altum volaverit, ut ipse initio contra Deum pugnare cæperit, sed tamen postquam ipsi in perversitatibus* Baal, *aliis pravis operibus sic inventi fuerint,* Principes et alii majores in eos irruent, et veluti rapidos Lupos eos occident ubicunque eos invenerint. *Tum Aurora vestra injustitiæ & novissima vestra meliora prioribus erunt, ac de præteritis omnibus timorati eritis, & quasi purissimum aurum fulgebitis, & sic per longa tempora permanebitis. Nam prima aurora justitiæ in spirituali populo, tunc surget ut primitus cum parvo numero incepit,* nec ipsi multas facultates nec multas divitias habere volunt, quæ animas occidunt, *sed dicent,* ve vobis quia peccavimus. *Ipsi namque de præterito timore & de præterito dolore ad justiciam confortabuntur, quemadmodum Angeli in casu Diaboli & amore Dei confortati sunt,* et sic postea in humilitate vivent, nec prævis operibus Deo rebellare cupient, *sed à multis erroribus purgati deinceps in fortissima vi rectitudinis persistent: Hic terminatur secundum Capitulum secundi libri* Pentacronen, *sive* Speculi temporum futurorum *beatæ virginis* Hildegardis. *Hanc Epistolam inservimus huic operi, quia multi non habent libri superius annotati copiam vel exemplar. Et ut intelligant hanc legentes, quod Spiritus ubi vult spirat, & quæ ventura sunt annunciat, per breve spatium temporis sequentis* Sole fratrum Minorum obscurato per mortem Papæ, qui erat ejusdem Ordinis, *ut superius est expressum;* Luna patiebatur eclipsim: Archiepiscopus namque Cantuar. cujus sapientia ante obitum suum fuerat totaliter devorata, qui in prosperitate sua multos abjecerat et contempsit, et maxime Professores Ordinis beatissimi *Benedicti,* sine planctu Monachorum in hoc anno obiit.

How much these *Freers Minors* were then likewise opposed, censured by the Bishops and Clergie of *France* for their insolencies, usurpations, hypocrisie, innovations, you may read in the Complaints of the University of *Paris* and * *French Prelates* against them.

* See Philip de Morney Hist. Papatus, p 418, 419.

* *Albertus*

* *Albertus Crantzius* stories of this Pope *Nicholas*, *natione* Lombardus, *religione Minor*, that he had this *memorabilis ex tui. Tradunt illum, cum se decessurum intelligeret, convocasse in unum Cardinales, & ratione temporum suorum coram eis reddita,* omnes de plenitudine potestatis, dignitate qua præditi fuerunt, absolvisse, ut in reliquum privati viverent. *Itidem primum stupuisse Cardinales de eo quod acciderat;* deinde quasi moti capitis hominem, qui ad ortum insaniret, reliquisse. Ille totidem sui Ordinis fratres evocasse, illos titulis Cardinalium insignivisse, jurejurando, ne quem se moriente nisi ex suo numero Pontificem crearent, neve ullum in suum adoptare finirent collegium nisi sui fratrem ordinis, adegisse. *Hoc testamento condito, ad superos evolasse. Mira res si vera relatio. Exinde usque ad tempora* Sexti 4. occultum in fratribus Minoribus fuisse Papatum, *qui in persona ejus defecerit.* Thus did these Freers Minors endeavour to monopolize the Papacy, Headship of the Church, and all Cardinals Caps, unto themselves, for which they justly incurred the premised Censures by their fellow Monks, who envyed their grandeur, honour, wealth, secular employments, and favour with Kings and Princes.

An. 19 *E.* I.
* Saxonic l. 8. c. 35. p. 224. Centur. Magd. 13. c. 10. col. 1091.

* *Anno* 1293. (by reason of the forementioned contests between the Archbishop, Abbot, Prior and Monks of *Canterbury*) *Prior S.* Augustini, *& Decanus* Cantuarienses *ad mandatum conservatorum privilegiorum nostrorum,* ob vexationes adversariorum, et ad cautelam futurorum, *coram Officiali Archidiaconi, & de* Westbere, *de* Bregge *&* Sandwico, Elham, Lymene, Cherring, *& de* Ospringe *Decanis, & coram aliis multis in Capitulo S.* Augustini, *Dominica prima post Octavas* Epiphaniæ, privilegia *scilicet beati* Augustini Anglorum *Apostoli, primi* Cant. *Archiepiscopi, ac* Romanorum *Pontificum* Bonifacii, Agathonis, Cœlestini, Calixti, Innocentii, Urbani, Eugenii, Lucii, Alexandri, Gregorii, Innocentii, Alexandri & Honorii *aperte recitarunt, & solempniter publicarunt, ita videlicet,* quod Monasterium S. Augustini, Abbas et Fratres, cum pertinentiis ad eosdem, erempti sunt omnino a quorumlibet ordinariorum Jurisdictione, subjectione et potestate, ac specialiter a Domini Cantuar. Archiepiscopi, Officialis et Archidiaconi ejusdem, necnon et cujuslibet alterius Judicis, Legati, delegati præter sedis Apostolicæ speciale mandatum ad dictos Religiosos nominatim directum, plenem et expressam de indultis hujusmodi faciens mentionem. Et quod idem Religiosi, res, possessiones, homines, et Clerici eorundem, Apostolici sedi immediate subjecti, et non alteri. Et quod privilegia hujusmodi contravenientes scienter, cum suis fautoribus canonica monitione præmissa, per prædictum Sanctum Augustinum, sociisque suis Laurentium, Melitum & Justum Cantuarienses Archiepiscopos excommunicati, ac per supradicta privilegia Apostolorum etiam indignationem incurrunt, ab officio Cleri submoti, a communione Sanctorum alieni, propriaque privati officio excommunicationi subjaceant eo ipso. Et quod Ecclesias de Menstre, Chisteler, Nordborne, Middleton & Faversham, cum Capellis non valeat Ordinarius interdicere, vel suspendere quoquo modo. Et quod in aliis Ecclesiis sibi appropriatis, una cum istis non ipsi Religiosi, sed sui ipsorum locorum Vicarii, debent Ordinariis de oneribus ordinariis tenere, et juribus Episcopalibus respondere. Sed super custodia vacantium Ecclesiarum nostri patronatus, decedentibus personis vel Vicariis Ecclesiarum prædictarum, claves earundem in Capitulum nostrum deferri, et custodia et obventiones earundem esse in manu Abbatis et Conventus, donec Personæ vel Vicarii Archiepiscopo ad easdem fuerit præsentatio, tam antiqua quam moderna experta tradit usitatio. Thus did these *Augustine* Monks proclaim these their transcendent Priviledges (purchased at dear rates from successive Popes) in the Metropolitical See and City of *Canterbury* it self, in high affront and defiance of the proud Archbishop of *Canterbury* and his Officers, (though endowed with extraordinary power and priviledges by Kings Charters and Popes Bulls, and Primate and Metropolitan of all *England*) as totally exempt from his and his Officers Metropolitical Jurisdiction, Censures, Canonical demands, and owing no subjection to them in the least degree or punctilio whatsoever: So as that of the Poet, might more truly and properly be applyed to these proud Monks and Prelates thus eagerly contending for priority and exemption, then to *Cæsar* and *Pompey*.

An. 20 *E.* I.
* Chron. Wil. Thorne, col. 1960, 1961.

* *Nec quenquam jam ferre potest* Cæsarve priorem,
Pompeiusve parem.

* Lucan Pharf. l. 1.

Whose Antichristian pride, suits, animosities, exhausted their own and the Kingdoms

Treasure,

An. 20 *E.* 1. Treasure, filled Popes and their greedy *Roman* Officers purses, yea advanced their Jurisdictions and Usurpations over them both, to whom they immediately subjected themselves to avoid the least subjection one to another, against St. *Peters* expresse Evangelical precept, then quite forgotten, or rejected as uncanonical, 1 *Pet.* 5. 5. **Yea all of you be subject one to another, and be cloathed with humility**; *for God resisteth the proud, and giveth grace unto the humble.*

Archbishop *Pechams* death this year, put a period to these contests between the Abbot and him; of whom * *Mat. Parker* renders us this character and account. Johannes Peckham Cantuariensis *Archiepiscopus, cum* 13. *annis sedisset, adesse hujus vitæ sensit exitum: Testamentum itaque condidit, cujus Executores* Nicholaum de Knovile *Rectorem de* Maidston, & Simonem de Greille *constituit. Hi post mortem* Gualteri Reignolds, *sede Archiepiscopale vacante, ad reddendam executionis suæ testamentariæ rationem à Priore* Cantuariensi *in jus vocati sunt. Rationibus exactis compertum est, ex inventario, præter legata in specie relicta,* **superfuisse** Johannis Peckham **bonis** 5305 l. 17 s. 2 d. & q. **monetæ** Anglicanæ. **Hanc summam** ab defuncti funera suasque expensas bi callidi **Executores** sibi pene totam a **Priore** decerni obtinuerunt. **Ut reddita ratione non amplius quinque solidis** (per denarios) **in pauperum et pios usus distribuendis remanserit. Hinc videmus quibus artibus tam occultam avaritiam hic bonus vir texit: Qui paupertatem et inopiam Archiepiscopatum suum ingressus deplorabat (ut diximus) suam. Idem paucis annis tanta abundantia copiaque repletus est, ut Cardinalibus et Curialibus Romanis grandia stipendia annua decerneret, et quod laudi verti debet:** *Pauperibus manerierum suorum* 770. *marcas distribui mandavit.* **His tam immensis sumptibus non obstantibus, consanguineos suos multos mirum in modum pluribus prædiis locupletavit, alios que ad Equestrem, alios ad Generosum Ordinem evexit;** *quorum de stirpe nonnulli in* Cantio *atque aliis* Angliæ *Comitatibus veterem tunc institutum & ab eo acceptum splendorem retinent. In omnibus quas frequenter scriptitavit literis, hoc titulo exorsus est*; Johannes **Frater** Cantuariensis **Ecclesiæ Sacerdos humilis,** (though as proud as the Pope, who yet stiles himself *Servus servorum Dei*) **Regi suisque Ministris pro Ecclesiæ** Cantuariensis **prædiis atque juribus audacter restitit, ut irato et offenso sæpe Rege de exilio subinde cogitaret;** (which he knew he oft demerited.) *Ideoque multis Prebendam quam (ut diximus)* Lugduni *habuit petentibus, respondere solitus est*; **Se diem illum videre et expectare, quo hinc abiens ibi resideret;** (being conscious of his demerited exile.) *Quanquam ex Fratrum & Prædicatorum ordine prodiit,* **juris tamen Civilis et Pontificii quam sacrarum Scripturarum fuit peritior**; *etsi* † *libros permultos in illa rixosa, garrula & digladiatoria fratrum Theologia conscripsit.*

* Antiq. Eccl. Brit. p. 206. See Jo. Balæus Scriptor. Brit. Cent 4. c. 64. p. 348, 349, 350. Godwins Catalogue, p. 78.

† See Balæus Scriptor. Brit. Cent. 4. c. 64.

I finde this Report of a memorable Case in our * *Common-Law Books*, happening about this time, before the Statute of *Carliste*, against Popes Bulls and Provisions; *A Subject of this Realm* **procured a Bull of Excommunication from the Pope against another Subject, and gave notice thereof to the Treasurer of the King; for which offence,** *le Roy voluyt quil fust este tray & pendus*, **the King willed he should be drawn and hanged as a Traytor:** *& non obstante que le Chauncellor & le Treasorer pur luy gemulerunt devant le Roy,* **uncore par agard il fuit juria le Roialme,** &c. Whence Judge *Brooke* and Sir *Edward Cooke* observe, **That the bringing in and publishing such Bulls from the Pope,** (to the prejudice of the Kings Jurisdiction, and his Subjects vexation) **was by the antient Common Law of** *England* **adjudged Treason against the King, his Crown and Dignity, for which the offendor should have been drawn and hanged by this Kings award, and opinion in that case**; had he not mitigated the penalty upon the Chancellors and Treasurers petition.

* Lib. Assisarum An. 30 E. 3. pl. 19. Brook Corone 115. & Treason 14. Cooks 5 Report, Of the Kings Ecclesiastical Law, p. 12.

The Vicar General of the Spiritualties of the Archbishop of *York*, during his absence refusing to admit the Kings Clerk to the Church of *Dalston* in the Diocesse of *Carliste*, to which the King presented him by reason of the vacancy of that Bishoprick then in his hands, upon an Inquisition found, that the last Bishop had divided that Church into three parts, which those to whom he divided it enjoyed, and so the Church was full and not void; The King thereupon declared, that this division being made without his Royal license or assent, was null and void in Law, tending to his disinheritance, which he neither could nor would admit, and there-

fore

fore notwithſtanding the Biſhops Ordinance, commanded him to admit his Clerk thereto, without any more delayes or excuſes; which if he refuſed, he commanded the Sheriff of *Cumberland* to take poſſeſſion of the Church, and ſequeſter the profits thereof till he gave further order therein, by theſe memorable Writs, evidencing his Soveraign Eccleſiaſtical authority and Judicature in ſuch caſes. *An.* 20 *E.* 1.

REX. dilecto ſibi Magiſtro *Johanni de Crancumbe* Archidiac. *Eſtriding.* venerabilis in Chriſto Archiepiſcopi *Ebor.* *Angliæ* Primatis, ipſo extra regnum agente Vicario generali, ſalutem. Cum præſentaverimus vobis nuper dilectum Clericum noſtrum *Johannem de Drokensford* ad Eccleſiam de *Dalſton Karl.* Dioc. vacantem & ad noſtram donationem ratione Epiſcopatus *Karl.* vacantis, & in manu noſtra exiſtentis ſpectantem, vos ipſum Clericum noſtrum ad præſentationem noſtram ad dictam Eccleſiam, prætextu cujuſdam inquiſitionis captæ ſuper vacatione ipſius continentis inter cætera, **quod non vacat, quia per ordinationem Epiſcopi** *Karl.* **nuper defuncti, ipſa Eccleſia diviſa fuerat in tres partes, quarum portionarii ſunt ſuperſtites, et ipſius poſſeſſioni incumbunt,** prout literæ veſtræ patentes inde confectæ, & ſigillo veſtro munitæ, quas vidimus continebant, **admittere non curaſtis.** Nos itaque attendentes, **quod dictus Epiſcopus diviſionem aliquam de prædicta Eccleſia ſine nobis et ſpeciali noſtro aſſenſu, quem ſicut recolimus nunquam a nobis optinuit, non valebat facere nec debebat; quare ipſam Eccleſiam in eodem ſtatu tenemus conſiſtere in quo fuit tempore ordinationis hujuſmodi ſectionis factæ de ea vacantem eſſe, videlicet pleno jure. Conſideranteſque quod in noſtram exhæredationem et Coronæ noſtræ præjudicium non modicum redundaret, ſi ſectionem pateretur eandem, quam utique pati nolumus ſicut nec debemus. Vobis mandamus, quod non obſtante ordinatione diviſionis ſeu ſectionis factæ ut præmittitur, de Eccleſia memorata, quam quidem nullam penitus reputamus, præfatum Clericum noſtrum ſeu Procuratorem ipſius ſuo nomine abſque moroſæ tarditatis diſpendio ad eandem Eccleſiam admittatis. Et per Officialem *Karl.* factatis admitti, et Rectorem inſtitui in eadem, ſic igitur in hujuſmodi negotio vos habentes, quod de quabis deſidia ſeu inobedientia non poſſitis merito reprehendi propter quod Conſilium aliud apponere nos oporteat in hac parte.** Dat. apud *Culeford.* primo die *Maii.*

Clauſ. 20 E. 1. m. 6. dorſo. De negotio tangente præſentationem factam per Regem ad Eccleſiam de Dalſton Karl. Dioc. de Johanne de Drokensford Clerico Regis.

REX Vic. *Cumbriæ* ſalutem. Cum præſentaſſemus nuperrimè diſcreto viro Magiſtro *Johanni de Crancumb* Archid. *Eſtriding* venerabilis in Chriſto Patris Archiepiſcopi *Eborum Angliæ* Primatis Vicario generali, dilectum Clericum noſtrum *Johannem de Drokennesford* ad Eccleſiam de *Dalſton Karl.* Dioc. vacantem, & ad noſtrum donationem ratione Epiſcopatus *Karl.* vacantis, in manu noſtra exiſtentis, ipſe dictum Clericum noſtrum ad præſentationem noſtram ad dictam Eccleſiam prætextu cujuſdam inquiſitionis captæ ſuper vacatione ipſius, continentis inter cætera, quod non vacat, qui per ordinationem Epiſcopi *Karl.* nuper defuncti ipſa Eccleſia deviſa fuerat in tres partes, quarum portionarii ſunt ſuperſtites, & ipſius poſſeſſioni incumbunt, prout literæ Vicarii prædicti patentes inde confectæ & ſigillo ſuo munitæ quas vidimus continebant, admittere non curavit. Nos itaque attendentes, quod prædictus Epiſcopus diviſionem aliquam ſine nobis, et ſine noſtri ſpeciali aſſenſu, quem ſicut recolimus nunquam a nobis optinuit, non volebat facere nec debebat, quare ipſam Eccleſiam in eodem ſtatu tenemus conſiſtere, in quo fuit tempore ordinationis hujuſmodi ſectionis factæ de ea, vacantem eſſe *(viz.)* pleno jure. Conſideranteſque quod in noſtram exhæredationem, et Coronæ noſtræ præjudicium non modicum redundaret, ſi ſectionem pateremur eandem quam utique pati nolumus, nec debemus: *Ac per alias literas noſtras mandemus præfato Vicario iterato,* quod non obſtante ordinatione diviſionis ſeu ſectionis factæ, ut præmittitur, de Eccleſia memorata, quam quidem nullam penitus reputamus, præfatum Clericum noſtrum ſeu procuratorem ipſius ſuo nomine abſque ulteriorís moræ diſpendio ad Eccleſiam eandem admittat, ac per Offic. Karl. admitti faciat et Rectorem inſtitui in eum. *Tibi præcipimus,* quod ſi memoratus Vicarius mandato noſtro hujuſmodi non paruerit, nec illud curaverit adimplere, extunc poſſeſſionem Eccleſiæ ipſius nomine noſtro capiens, non permittas portionarios antedictos poſſeſſioni ejuſdem Eccleſiæ taliter incumbentes aliquam adminiſtrationem illius habere, Ibidem.

An. 20 E.1. re, set fructus et bona quæ inveneris in eadem; et etiam quæ ex ea pervenerint in futurum conserves, et salvo custodias, donec aliud a nobis super hoc habueris in mandatis.

John Roman Archbishop of *Yorke* issued this memorable Precept to the Prior of *Boulton* to excommunicate *Anthony Bek* Bishop of *Durham*, for that *John de Maydenstan* Constable of *Durham* and his Complices, had by the Bishops command, or subsequent assent, imprisoned *John de Amelja*, a publike Notary by the Popes authoritie, and *William de Wilton* of *Pickering*, his Clerks, in the Castle of *Durham*, sent thither to the Bishop with his and his Officials Letters of Citation and Canonical mandates; there detaining them prisoners, and refusing to release them, after several admonitions sent to him in writing by the Archbishop to enlarge them, and a sentence of Interdict denounced against him for not releasing them, against his Canonical obedience, to the peril of his soul, and the great injury, high contempt, attenuation of his Archiepiscopal authority, Church, Religion, & for refusing to give any competent satisfaction for these contempts, after they were released by processe out of the Kings secular Court, but not by his Archiepiscopal Mandate to him.

* Clauss. 20 E. 1. m. 2. dorso. & Brevia Regis An. 20 E. 1. Tenor cujusdam literæ directa Priori de Bolton, per Archiepiscopum Ebor. ad excommunicand. Episcopum Dunolm.

IOHANNES permissione divina *Eborac.* Archiepiscopus, *Angliæ* Primas; dilecto in Christo filio Priori de *Boulton* in *Craven* salutem, gratiam & benedictionem. Cum dudum venerabilem fratrem Dominum *A. Dunolmensem* Episcopum Suffraganeum nostrum primo sufficienter, & legitimè monuerimus ac moneri fecimus, quod *Johannem de Amelya* auctoritate Apostolica Notarium publicum, et Willielmum de Melton, dictum de *Pickering*, Clericos nostros, quos ad suam præsentiam quam in Ecclesia *Dunolmensi*, juxta scita Canonum reperire credidimus, cum nostris, & Offic. nostri literis mandata Canonica continentibus destinaverimus, quousque *Johannes de Maydenstan* Constabularius *Dunolm.* & sui Complices ceperant et fecerant carcerali custodiæ mancipari, ipso Episcopo hoc mandante; vel quod suo nomine factum fuerit, et post facto ratum habente, liberaret, et liberari faceret et restitui priſtinæ libertati, dictis Clericis super violentia nobis Ecclesiæque nostræ Eborum de injuria et contemptu commissis, pro facto hujusmodi satisfacerent competenter: * Sed dicto Episcopo monitis parere hujusmodi, & ea facere negligenti, seu penitus non curante, debitæ obedientiæ, et salutis suæ propriæ nusquam memor, eidem Episcopo per nostras alias literas sub pœna sententiæ suspensionis ab ingressu Ecclesiæ, quam in eum in scriptis protuli, si mandatis nostris omiserit obedire, ut dictos Clericos nostros quos in Carcere suo in castro suo *Dunolm.* captivos notoriè detinebat, liberaret & permitteret illæsos abire; eisque, nobis & Ecclesiæ nostræ prædictæ pro commisso hujusmodi satisfaceret competenter & satisfieri procuraret. * Ac ipse Episcopus commissam inobedientiam multiplicans, & velut aspis ad vocem incantantium aures suas obturans, mandata sibi legitime destinata obaudiens, dictos Clericos non liberavit, set captivos detinuit sicut prius. Propter quod tercio * eidem Episcopo nostris dedimus literis in mandatis, quod sub pœna sententiæ excommunicationis quam in scriptis in personam ipsius protulimus justitia exigente, si mandatis nostris ultra contemptibiliter duxerit resistendum, quod sæpefatos Clericos de Captivitate hujusmodi liberaret, eosque liberè abire permitteret, eisdem, nobis & Ecclesiæ nostræ, quos notoriè contra Deum & justitiam, ac debitam obedientiam, & ipsius animæ salutem constiterat offendisse, juxta juris exigentiam satisfaceret competenter. Verum dictus Episcopus, ut videtur, quodammodo a fide recedens quæ debita obedientia roberatur, cum non nisi per inobedientiam schisma in Dei Ecclesia generetur, ac testante beato *Gregorio*, *sola obedientia est quæ fidei meritum possidet, sine qua quisque infidelis convincitur*; * etiamsi fidelis esse videatur, mandatis nostris Canonicis obedire contemptibiliter vilipendens, memoratos Clericos infra terminum ad liberandum sibi per nos juxta qualitatem negotii legitime deputatum, nullatenus liberabit, set in Cleri opprobrium totius Ecclesiæ disciplinæ contemptum, dictorum Clericorum, nostri et Ecclesiæ nostræ præjudicium et gravamen, eosdem post mandata nostra totiens ut prædicitur multiplicata, captivos, sicut prius, Carceri detinuit diutius mancipatos, licet per remedium Curiæ secularis secundum legem Regni, non alicujus nostri authoritate mandati eos denuo liberasset; propter quæ non est dubium Episcopum antedictum in dictas

* Et

* Sed

* prædicto

* etsi

dictas Suſpenſionis et Excommunicationis ſententias, ut præmittitur, rite latas merito incidiſſe. Et quia nil obedientia prodeſſet humilibus ſi contumacia contumacibus non obeſſet; Nos volentes per Cenſuram Eccleſiaſticam ac ipſius executionem quæ ab omnibus Catholicis eſt timenda, ipſius Epiſcopi culpis exigentibus pariter et offenſis legitime prodere contra eum, ut cæteris devotis Eccleſiæ filiis innoteſcat damnabilis ſtatus ejus, ne ſua communione peſtifera grex ulterius inficiatur dominicus, utque quos Dei timor a malo non revocat, vos ſaltem cohibeat coercio Eccleſiaſticæ diſciplinæ; et rubore confuſi ad ſatisfactionem veniæ et debitam obedientiam compellantur; Vobis noſtra authoritate committimus, ut contra memoratum Epiſcopum, ad declarationem prædictarum ſententiarum ac executionem et publicationem earundem ſic debite procedatis, quod veſtram debeamus induſtriam merito commendare; denunciantes et publicantes per vos, aut per alium deputandum a vobis in Eccleſiis de *Alverton*, et de *Derlington*, ac aliis locis ſolemnibus noſtræ Provinciæ quibus competencius poteritis, Epiſcopum antedictum in dictas ſuſpenſionis et excommunicationis ſententias incidiſſe, et eas ut præmittitur incurriſſe. Ad quam executionem faciendam & omnia & ſingula ipſam contingentia, ſecundum quod de jure fuerit faciend. ac etiam procedendum, vobis plenam committimus poteſtatem. Qualiter autem Commiſſionem noſtram fueritis executi, de receptione præſentium, et quid in præmiſſis feceritis, nos quam citius poteritis certificare curetis per veſtras Patentes literas harum ſeriem continentes. Dat. apud Sanctum *Martinum* juxta *Viterbium* 13. Kal. *Maii*, Anno Gratiæ 1292. & Pontificatus noſtri ſeptimo. *An.* 20 *E.* I.

The Prior hereupon* accordingly publiſhed this Excommunication againſt the Biſhop of *Durham*, for which the Archbiſhop the next year was complained of, and fined in Parliament after a long debate, as I ſhall there relate, in its proper ſeries. * Plac. Parl. An. 21 E. I. Ryley p. 133, to 141.

The Biſhops of *Miden* and *Oſſory* having a greater ambition to be imployed in State then Church-affairs, and to be *Privy Counſellors*, than *preaching Biſhops* in *Ireland*, procured theſe Letters Patents from the King to his Council of that Realm, to admit them into the Council there, ſo oft as they ſate in Counſil about the Kings (not Churches) affairs.

REX omnibus & ſingulis de Conſilio ſuo in *Hibernia* exiſtentibus ſalutem. De prudentia & circumſpectione venerabilis Patris *Tho. Midenſis* Epiſcopi, quem charum habemus & commendatum, ſpecialem gerentes fiduciam, quod præſentia ipſius in Conſiliis dandis, et in tractatu habendo de negotiis noſtris in *Hibernia* expediendis plurimum nobis, et vobis poſſit eſſe profutura, et quod fideliter commodum noſtrum pro viribus ſuis procurabit et honorem; *Volumus*, quod idem Epiſcopus de cætero conſiliis noſtris intereſſe una vobiſcum, quociens de agendis noſtris ibidem tractatus habetur. Et ideò vobis mandamus, quod prædictum Epiſcopum ad noſtrum Conſilium admittatis, et ipſum tanquam unum de noſtris Conſiliariis de cætero habeatis. Teſte Rege apud *Berewyk* ſuper *Tweed* 22 die. *Octobris*. Pat. 20 E. I. m. 3. intus. De Epiſcopis admittendis ad Conſilium Regis in Hibernia.

Conſimiles literas de verbo ad verbum habet Epiſcopus *Oſſoren*. Teſte ut ſupra.

The Biſhop of *Cork* in *Ireland* holding plea of things belonging to the Kings Crown and Dignity in his Eccleſiaſtical Court, was thereupon amerced 140 *l.* for his contempt and offence by the Kings Juſtice there at two ſeveral times: Above 45 *l.* whereof being levyed on his goods and chattels by proceſſe out of the Exchequer, the King upon his petition remitted part of the remainder by this Writ.

CUM *venerabilis pater* Robertus Corcagienſis *Epiſcopus nuper coram venerabili patre* S. Tuamenſi *Archiepiſcopo tunc Juſtic. Regis* Hiberniæ, amerciatus eſſet ad centum libras pro contemptu, et idem Epiſcopus poſtmodum amerciatus fuiſſet coram eodem Juſtic. ad quadraginta libras, pro eo, quod advocabit ſe tenuiſſe placita in Curia Chriſtianitatis ad Coronam et dignitatem Regis ſpectancia, de quibus quidem amerciamentis, quadraginta et quinque libræ, quinque ſolidi, et decem denarii de bonis et catallis prædicti Epiſcopi per ſummoniciones Scaccarii per diverſos Clauſ. 20 E. I. m. 13. Hibern. Pro Roberto nuper Corcagenſi Epiſcopo

An. 20. *E.* 1. los Vicecomites levantur, *sicut per inquisicionem quam per dilectos & fideles Regis, Magistrum* Elyam de Wynton, & Robertum de Stapelton *fieri Rex fecit, Rex accepit.* Rex caritatis intuitu pardonavit eidem Episcopo *quaterviginti & quatuordecim libras, quatuordecim solidos & duos denarios qui adhuc Regi aretro sunt* de amerciamentis prædictis. *Et ideo vobis mandatum est Thesaurario & Baronibus de Scaccario* Dublin. *quod prædictum Episcopum de prædictis quaterginti libris quatuordecim solidis & duobus denariis quietum esse faciant. Teste Rege apud* Westm. *primo die* Decembris.

If all Prelates usurping on the Kings prerogative and Courts, had been constantly fined, and their fines duly levyed for the like usurpations, the King and his people had not afterwards been so frequently troubled and vexed by them in *England* or *Ireland*.

King *Edward* out of his Soveraign Ecclesiastical Authority, blinde devotion, and love to his late deceased Consort Queen *Alianor*, instituted a Solemn *Anniversary* to be kept for her every year, issuing sums of money, and granting several Mannors, Lands to the Abbot and Covent of *Westminster* for that end, wherein he prescribed how many Tapers and of what weight they should find, how many and what Masses, Dirges, Pater-Nosters, Ave-Maries they should sing, and what Almes they should distribute to the Poor for her Soul; obliging the Abbot, Prior, and Monks by a solemn Oath duly to perform the same, under pain of forfeiting all their goods, chattels, and the lands thus given to them for this end; as these Records will inform us.

Clauf. 20 E.1. m 1. De denariis liberandis ad Anniversarium Reginæ Consortis Regis.

REX *Thesaur. & Camerariis suis salutem. Liberate de Thesauro nostro dilectis & fidelibus nostris* Willielmo de Marchia, Johanni de Berewyk, & Radulpho de Stanford *Capellano nostro* ducentas libras, ad anniversariam bonæ memoriæ Alienoræ quondam Reginæ Angliæ Conjugis nostræ jam instantem inde celebrandum. *Teste Rege apud* Berewik *super* Twed. 24 *die* Octobris.

Cart. 20 E 1. n. 4 Pro Abbate & Conventu Westmonasterii de terris eis datis per Regem pro anima Reginæ Consortis suæ.

REX *Archiepiscopis, &c. salutem. Sciatis*, quod caritatis intuitu, pro salute claræ memoriæ Alienoræ quondam Regin Angliæ Conjugis nostræ, *dedimus, concessimus, & hac carta nostra confirmavimus pro nobis & heredibus nostris Deo & Ecclesiæ Sancti* Petri Westmonasterii, & Waltero *Abbati, ac Priori & Conventui ejusdem loci manerium de* Briddebrok *cum pertin. in Com.* Essex, *una cum advocatione Ecclesiæ ejusdem Manerii, & cum homagio & servicio* Drogonis de Barenton *& haredum suorum, de quarta parte feodi unius Militis cum pertin. quam prædictus* Drogo *de nobis tenet in* Hernestede, *maneria de* Westerham & Edulnebrugge *cum pertin. in Com.* Kanc. *manerium de* Turneston *cum pertin. una cum advocatione Ecclesiæ ejusdem manerii in Com.* Buk. *maneria de* Knolle & Grafton, *cum hamelettis de* Halspathe, Buleye, Hulverlee, Whitlakesfeld, Kynewaldeshey, Notehurst, Langedon, & Didington *cum pertin. in Com.* Warr. *Habend. & tenend. eisdem Ecclesiæ Abbati, Priori & Conventui, & successoribus suis cum omnibus pertin. suis, una cum returno brevium nostrorum, & omnibus libertatibus & liberis consuetudinibus quas ipsi habent in aliis terris suis, per cartas progenitorum nostrorum Regum* Angliæ *& nostras, & aliis quibuscumque ad terras illas spectantibus*, condicionibus subscriptis; *Ita videlicet*, quod iidem Abbas, Prior et Conventus, vel Prior et Conventus si Abbas præsens non fuerit die super vigilio Sancti *Andreæ* Apostoli, in vigilia diei quo anniversarium dictæ Reginæ celebrari contigerit, solempniter revestiti in choro dicti Monasterii cum toto et pleno Conventu, Placebo et Dirige cum novem lectionibus, accensis centum cereis circa tumulum ejusdem Reginæ, ita quod quilibet sit de duodecim libris ceræ, quos dicti Abbas, Prior et Conventus et eorum successores invenient, et singulis annis in anniversario dictæ Reginæ facient innovari, et quod dicti cerei ad Placebo et Dirige in vigilia anniversarii *ardeant, et in die anniversarii quousque Missa magna fuerit celebrata, cum magnarum et aliarum campanarum pulsacione solempni, pro ipsius animæ salute decantabunt solempniter et facient decantari, die autem sequenti vigilia scilicet Sancti Andreæ, idem Abbas vel Prior si Abbas non fuerit præsens, et idem Prior digniorem illo Prælatum ad hoc procurare non poterit, missam solempnem in magno altari suo cereis et candelis accensis, et pulsatis sicut prædictum est campanis, solempniter celebrabit et faciet celebrari

* To illuminate their blind devotions.

celebrari die scilicet anniversarii dictæ Reginæ; et singuli Monachi ejusdem Eccle- *An.* 20 *E.* 1.
siæ consimilem missam privatam eodem die celebrent, et alii Monachi in minoribus ordinibus constituti psalterium totum, et fratres conversi ejusdem loci Dominicas orationes, et simbolum, cum salutatione beatæ Virginis, juxta numerum per eosdem Abbatem et Conventum eis ad hoc assignandum dicant et versilient pro ipsius anima, et animabus omnium fidelium defunctorum. Eodemque die dicti Prior et Conventus et successores sui, singulis pauperibus ad domum suam confluentibus unum denarium esterlingum, vel monetam valentem unum esterlingum die quo ista concessio nostra facta fuit, expectato concursu vel adventu pauperum usque ad horam terciam ejusdem diei antequam particio illa incipiatur, facient pro ipsius anima erogare. Ita quod distribucio quam Abbas dicti Monasterii et successores sui septies viginti pauperibus facere tenentur, quolibet anno fiat in vigilia anniversarii prædicti, et postea per totum annum singulis septimanis fiat distribucio prædicta, secundum quod in alia carta inde confecta plenius continetur. De cereis vero prædictis remanebunt per totum annum triginta cerei circa tumulum Reginæ prædictæ usque ad innovacionem cereorum in anniversario ipsius Reginæ sicut prædictum est faciendam, quos prædicti Abbas, Prior et Conventus, et successores sui, in festis majoribus et in adventu Magnatum ibidem, ac alias accendi faciant quociens viderint opportunum. *Præterea dicti Abbas, Prior & Conventus, & successores sui* duos cereos quorum quilibet erit de duabus libris ceræ, juxta Tumulum Reginæ prædictæ continue ardentes invenient, et perpetuo sustinebunt. *Et volumus & concedimus pro nobis & hæredibus nostris quod hiis omnibus plene & fideliter peractis*, totum residuum pecuniæ provenientis de exitibus terrarum prædictarum quod superfuerit dictis Priori et Conventui tantum remaneat ad pitancias suas secundum voluntatem suam inde provisendas. *Nec volumus nec intendimus per hoc, quod prædictus Abbas in carta hujusmodi concessionis nostræ præmittitur, quod aliquid commodi ipsi Abbati vel alicui successorum suorum accrescat in terris illis, vel de advocationibus Ecclesiarum ad terram illam spectantibus, seu de custodia earundem; salva prælacia & regula sua, aut per se, vel per suos inde in aliquo se intromittat, set quod prædicti Prior & Conventus, & successores sui inde ordinent ad usus prædictos juxta votum suum. Concedimus etiam pro nobis & hæredibus nostris*, quod tempore vacationis Abbaciæ prædictæ ad terras prædictas, vel ad bona sua in eisdem existencia, per nos vel ministros nostros manum non apponemus, set ea eis integraliter sub nostra protectione servare faciemus. *Et quia nolumus quod processu temporis ea quæ præmissa sunt oblivioni tradantur, set quod recens memoria inde semper habeatur; volumus & firmiter præcipimus pro nobis & hæredibus nostris*, quod quilibet futurus Abbas ibidem, ante restitucionem temporalium suorum præmissa Sacramento ad hoc præstito faciat observari. Et *si forte Abbas de medio sit sublatus*, tunc Prior coram nobis *si in partibus vicinis tunc fuerimus, vel* coram Thes. et Baronibus de Scaccario *si longius fuerimus*, consimile faciet Sacramentum in singulis vacationibus Abbaciæ prædictæ. *Et ad majorem cognicionem hujus rei, firmiter præcipimus pro nobis & hæredibus nostris, quod singulis annis die anniversarii prædictæ Reginæ, videlicet in vigilia Sanctæ* Andreæ *Apostoli, in Capitulo ejusdem Abbaciæ* coram toto et pleno Conventu præsens Carta de verbo ad verbum plenarie recitetur. Et ad omnia præmissa in omnibus articulis et condicionibus suis, sicut prædictum est, fideliter observanda, obligant se prædicti Abbas, Prior et Conventus, et successores suos qui pro tempore fuerint, et omnia bona sua mobilia et immobilia, habita et habenda ubicumque fuerint inventa. *In hujus rei testimonium tam nos pro nobis & hæred. nostris, quam prædicti Abbas, Prior & Conventus, pro se & successoribus suis præsenti cartæ in modum Cirographi confectæ sigilla nostra apposuimus. Hiis testibus, venerabilibus patribus* A. Dunolmensi, J. Wintoniensi & W. Eliensi *Episcopis*, Willielmo de Valencia *Avunculo nostro*, Gilberto de Clare *Comite* Glouc. & Hertf. Henr. de Lacy *Comite* Lincoln. Johanne de Sancto Johanne, Roberto de Tibetot, Reginal. de Grey, Gilberto de Thorenton, Waltero de Bello Campo, Ricardo de Bosco *& aliis. Dat. per manum nostram apud* Berewik *super* Twed. 25 *die* Octobris.

Anthony Bishop of *Durham* erecting the Parish Churches of *Chester* and *Langechester*, which were very rich and large, into a Deanary and 7. Prebendaries, for the advancing of Gods Service, and the good of the peoples souls, and obliging the

An. 20 E. 1. Dean and Prebends by Oath to personal residence thereon, and discharge of their duties and Gods Service therein, according as he had prescribed by his Ordinances and Charters, which were altogether invalid without the Kings Royal assent, and confirmation by his Soveraign Ecclesiastical Authority and Charter; the King to promote Gods Service, and the good of his peoples souls, ratified the Bishops Ordinances by these two Charters which recite them, warranting the division of great and rich Parishes and Bishopricks into many, and obliging the Dean, Prebends, Ministers, Chaplains thereof by Oath to personal residence and discharge of their duties and divine Offices therein, worthy imitation.

Chart. 20 E. 1. nu. 27. Pro Antonio Dunolmensi Episcopo.

REX *Archiepiscopis, &c. salutem. Literas patentes venerabilis patris* Antonii Dunolmensis *Episcopi ordinacionem per ipsum factam perpetuis temporibus duraturam super Decanatu & Prabendis in Ecclesia de* Cestr. *sui patronatus & Dioceſis, plenariè continentes inspeximus, in hac verba.* Universis sanctæ matris Ecclesiæ filiis præsens scriptum visuris vel audituris, *Antonius* permissione divina *Dunolmensis* Episcopus, ad futuram rei memoriam. **Plures rivuli qui ab uno fonte procedunt aquæ tumorem evacuant, fontis tamen valorem non minuunt aut decorem, imo ex se usum producere tanto placidiorem fons ipse dinoscitur, quanto pluribus locis aritæ sitis molestia fatigatis effuso gurgite aquæ copiam uberius subministrat.** Illa quoque matrona despicabilis non habetur, set pocius laude digna, quam etsi frequens conceptus extenuet, fœcunda tamen honorificat procreacio filiorum. **Sic utique *una Ecclesia sui titulum non perdit honoris, si ex sui habundancia plures beneficiorum solacio consoletur, immo tanto nobilior est censenda, quanto ei deservit ministrorum amplior famulatus.** Sanè cum super Ecclesia de *Cestr.* nostræ Dioceſis, quæ nobis pleno jure subjicitur utpote ad nostrum spectans patronatum, variis dudum quæstionibus & controversiis emersis inter Dominum *Willielmum de Clifford* Clericum, se pro Rectore ejusdem Ecclesiæ tunc gerentem, ex parte una, ac Magistrum *Alanum de Esingwalde* ex altera, asserentem, dictum *Walterum* per bonæ memoriæ Dominum *Robertum* prædecessorem nostrum immediatum eadem Ecclesia fuisse & esse *sententialiter ex certis & legitimis causis privatum*, eamque sibi ab eodem prædecessore nostro canonicè fuisse collatam, sicque varii & diversi processus judiciales tàm auctoritate Delegata quàm Ordinaria, non absque gravi discrimine, & tàm corporum quàm animarum periculo fuissent hinc inde diutius agitati. Tandem partes antedictæ coram nobis præsencialiter constitutæ, nolentes tàm periculosis litium amfractibus ulterius implicari, submiserunt ordinationi nostræ Ecclesiam illam cum Capellis, terris, fructibus & obventionibus universis ad eandem pertinentibus, & totum jus quod eis competit, vel competere potuit in eadem, processibus habitis inter eos renunciantes, expresse promittentes nichilominus se ratum habere quicquid per nos ordinatum, statutum seu provisum fuerit in præmissis, idque perpetuis temporibus inviolabiliter observare. Attendentes igitur prædictæ Ecclesiæ de *Cestr.* quæ ad nostrum spectare dinoscitur patronatum, **parochiam esse diffusam, et proventuum redditus habundantes, adeo quod ad plurium sustentacionem sufficiunt ministrorum, eamque paucos hactenus habuisse servitores, ex quo divinis multociens fraudebatur obsequiis, et in ipsius parochia diffusa cura negligebatur dampnabiliter animarum;** quæ tamen post Ecclesiam nostram *Dunolmensem* inter cæteras Ecclesias nostræ Diocæsis tipum gerit dignis honoribus extollenda, utpote quam sanctum & reverendum corpus beati *Cuthberti* patroni nostri, quod per centum & quindecim annos inibi præsencialiter conquievit, quadam prerogativa specialiter insignivit. *Considerantes etiam,* **utilitatem evidentem et motivam ad ordinacionem subsequentem,** *videlicet*, **divini cultus augmentum, et salutis animarum uberiorem profectum, urgentem insuper necessitatem in hac parte propensius ponderantes, quam evidenter perpendimus ex defectu et raritate Jurisperitorum et Consiliariorum in nostra Dioceſi,** *ad quos in magnis & arduis Ecclesiæ nostræ negotiis habere poterit impellente necessitate recursus, de Capituli nostri* Dunolmensis *expresso consensu acceptata submissione predicta, & circumstanciis universis plenius intellectis:* In nomine Domini nostri Jesu Christi, **ordinamus in hunc modum;** *videlicet*, **quod predicta Ecclesia de** Cestr. **extunc collegiata existat, et sint in eadem de cætero unus Decanatus et septem Prebendæ: Ita quod Decanus sit perpetuus in ordine Sacerdotali, curam gerens in solidum animarum, et**

* The same reason holds for the dividing of great and rich Bishopricks, as well as Parish Churches, between many deservirg persons.

residenciam

An. 20 *E.* I.

reſidenciam ibidem continue faciens perſonalem, inveniat duos Capellanos idoneos conformes in habitu Vicariis Canonicorum, pro cura huſuſmodi ſollicite ſuppoꝛtanda, alioſque minoꝛes Clericos habeat ad ſerviendum Eccleſiæ competenter omnia ipſius onera oꝛdinaria ſuppoꝛtando: Cancellum cum indiguerit reficiendo et ſuſtinendo, ad novæ tamen fabꝛicationis vel conſtructionis opus minime teneatur. Capellis inſuper de Taunfeld & Lameley faciat per Miniſtros idoneos deſerviri. *Ad quæ omnia & ſingula ſupportanda volumus & firmiter ſtatuimus, quod Decanatûs obvenciones totius alteragis tàm in Eccleſia de* Ceſtr. *quàm Capellis antedictis, videlicet,* moꝛtuaꝛioꝛum, lanæ, agnoꝛum, lactis, vitulioꝛum, fenoꝛum, lini, canabi, gallinarum, ancarum, poꝛcelloꝛum, et omnium minutarum perſonaꝛium decimarum, una cum redditu et Curia tenencium Eccleſiæ in Villa de Ceſtr. et de Walrigg. et tota terra Dominica de Hernerton totaliter applicentur. *Meſuagia etiam ad pradictas Capellas de* Lameley *&* de Taunfeld *ſpectancia, cum curiis & terris ſuis Dominicis eidem Decanatui aſſignavimus, hoc excepto, quod utriuſque loci Prabendarii habebunt quandam portionem ſeu partem Curiæ arbitrio noſtro limitandam, in qua poterunt competenter reponere ſuablada. Habeat etiam Decanus piſcariam in* Ripa *de* Were, et decimam piſcariæ. *Ad hæc quilibet Prabendariorum qui tres primas habent,* Pꝛæbendas inveniat ſuis ſumptibus unum Vicarium Capellanum; et de aliis quatuoꝛ reſiduis, ſinguli habeant Vicarium Diaconum in ipſa Eccleſia miniſtrantes in habitu Canonicali, et modum pſallendi teneant ſecundum moꝛem Eccleſiæ Ebor. vel Sarum. Singuli autem ſint ebdomadarii in ſuo ſtatu ſecundum oꝛdinem vicis ſuæ ſurta diſpoſicionem Decani, qui ſicut in cura parochiali, ſic in hiis quæ ad divinum ſpectant officium oꝛdinet, coꝛrigat, choꝛum regat et diſponat, ac etiam in hiis puniat tranſgreſſoꝛes. Matutinas quoque mane dici pꝛopter parochianos volumus et mandamus. *Et ne diſcordiam pariat communitas, ſet ſinguli ſuis finibus ſint contenti, Prabendas illas taliter duximus diſtinguendas; videlicet, quod ad primam Prabendam pertineant* decimæ pꝛædiales univerſæ de magna Lumeley, parva Lumeley, Lampton, Wodeſende, ac etiam decimæ minæ carbonum. *Ad ſecundam Prabendam de* Lameley, Kilbleſworth, Raveneſworth, Dervecrok, Hedley, Ladeſheved, *terra de* Fugers, Raveneſhelm, & Northuſes. *Ad tertiam de* Pelton, Pokeley, Pelawe, Piketre, Tribeley, Edmanſley, Stereſley, & Nettelwrth. *Ad quartam de* Ceſtr. & Withill. *Ad quintam de* Caunfeld, Lince, Crok, Taunfeldley, Stanley, Stanley Hall, Caldeſete, & *de* Steles. *Ad ſextam de* Birteley, Herverton, Mora, & *de* Harden. *Ad ſeptimam de* Urpath, Ulkeſtan, & *de* Twyſles. *Totum autem reſiduum parochiæ de* Ceſtr. *videlicet,* decimas pꝛædiales de Planworth & *de* Walrigg, & *omnium vaſtorum tàm in haya quàm alibi in eadem parochia redigendorum ad culturam commune, reſidencium aſſignamus, & inter ipſos duntaxat æqualiter dividantur, qui per tres menſes ad minus in anno continuè, vel interpellatim in Eccleſia ipſa* reſidenciam fecerint perſonalem. *Ita quod in feſto Sancti* Martini *in hyeme, & in feſto* Pentecoſtes *fiat eorundem proventuum communium diſtribucio. Et qui pro medietate temporis antedicti perſonaliter reſiderint, pro rata medietatis hujuſmodi diſtributionem percipiant proporcionaliter de communa, de reſiduo temporis illius nichil penitus percepturi,* niſi omnes ejus partes integraliter compleverint reſidendo. *Ordinamus inſuper, quod decima pars porcionis cujuſlibet* non reſidentis, reſidentibus aſſignetur, et ſi nullum reſidere contigerit, hujuſmodi partes decimæ in uſus Eccleſiæ, vel in uſus pauperum degencium infra limites Pꝛæbendarum nonreſidencium convertantur. *Area autem Eccleſiæ ad inhabitandum inter Decanum & tres Prabendarios primos juxta noſtrum arbitrium dividatur. Ne etiam de ordine ſedendi vel procedendi contencio oriatur, ſtatuimus, ut poſt primum ſtallum ex parte auſtrali,* (*quod nobis & ſucceſſoribus noſtris* in ſignum pꝛæeminenciæ ſpecialiter reſervamus) *Prabendarius primæ Prabendæ optineat primum locum. Prabendarius tertiæ Prabendæ optineat ſecundum. Prabendarius quintæ, tertium. Prabendarius ſextimæ, quartum. Ex parte vero boriali Decanus Eccleſiæ retineat primum locum. Prabendarius ſecundæ Prabendæ ſecundum locum. Prabendarius quartæ, tertium; & Prabendarius ſextæ Prabendæ quartum; & eundem ordinem obſervent invicem in procedendo. Hanc autem ordinacionem concurrente conſenſu Capituli noſtri,* ad honoꝛem Dei et Eccleſiæ Chꝛiſti factam, ſtatuimus perpetuis temꝛoꝛibus inviolabiliter obſervandam, auctoꝛitate, dignitate et poteſtate Eccleſiæ noſtræ Dunolmenſis et ſucceſſoꝛum noſtroꝛum in omnibus ſemper ſalvis. *In cujus rei*

An. 20 E. 1. *rei perpetuam firmitatem sigillum nostrum præsentibus est appensum. Actum & datum apud* Aukeland *quinto die Idus* Novembris, *Anno gratiæ* 1286. *& consecrationis nostræ anno tertio.* **Nos autem eidem ordinacioni Regium præbentes assensum, eam pro nobis et hæredibus nostris prædicto Episcopo et successoribus suis Episcopis** Dunolmensibus, **quantum in nobis est, concedimus et confirmamus,** *sicut literæ prædictæ rationabiliter testantur. In cujus rei testimonium has literas nostras fieri fecimus patentes. Hiis testibus, venerabilibus patribus* R. Bathon. & Wellen. *Canc. nostro,* & W. Elyen. *Episcopis,* Gilberto de Clare *Comite* Glouc. & Hertf. Henr. de Lacy *Comite* Lincoln. Johanne de Warenna *Comite* Surr. Johanne de Sancto Johanne, Roberto filio Walteri, Waltero de Bello Campo, Gilberto de Briddeshale, Ricardo de Bosco, & *aliis. Dat. per manum nostram apud* Berewyk *super* Twed. 12 *die* Junii.

Chart. 20 E 1. m. 26. REX *Archiepiscopis, &c. salutem. Literas patentes venerabilis patris* Antonii Dunolmensis *Episcopi ordinacionem per ipsum factam perpetuis temporibus duraturam super Decanatu & Prebendis in Ecclesia de* Langeceſtr. *sui patronatus & Diocesis, plenariè continentes inspeximus, in hæc verba.* Universis sanctæ matris Ecclesiæ filiis præsens scriptum visuris vel audituris, *Antonius* permissione divina *Dunolmensis* Episcopus, ad futuram & perpetuam rei memoriam. **Plures ribuit, &c.** *verbatim* as in the former. **Sic utique una Ecclesia titulum non perdit honoris, si ex sui habundancia plures beneficiorum solacio consoletur, immo tanto nobilior est censenda, quanto ei deservit ministrorum amplior famulatus.** Sanè vacante dudum Ecclesia de *Langeceſtr.* nostræ Diocesis, per mortem Magistri *Alexandri de Alverton* quondam Rectoris ejusdem, quæ nobis pleno jure subjicitur, utpote ad nostrum spectans patronatum, dilectum in Christo filium Magistrum *Johannem de Cravene* Presbyterum, ad ipsius Ecclesiæ defensionem legitimum defensorem pro ipsius indempnitate in temporalibus & spiritualibus tucius conservanda tempore vacacionis ejusdem, ex officii nostri debito deputavimus sub hac forma. *Antonius* permissione divina *Dunolmensis* Episcopus, dilecto in Christo filio Magistro *Johanni de Cravene* Presbytero, salutem, gratiam & benedictionem. Cupientes utilitati & indempnitati Ecclesiæ de *Langeceſtr.* nostræ Diocesis, vacantis per mortem Magistri *Alexandri de Alverton* quondam Rectoris ejusdem cautiùs ut tenemur, tibi de cujus industria circumspecta plenam in Domino fiduciam optinemus, defensionem ac tuitionem illius Ecclesiæ, cum suis juribus, libertatibus & pertin. universis tempore vacacionis ejusdem committimus, & tenore præsencium te legitimum ejusdem constituimus defensorem; dantes tibi plenam & liberam potestatem in causis & negociis dictæ Ecclesiæ agendi, defendendi, appellandi, appellationes prosequendi, de calumpnia & de veritate dicenda, ac quodlibet aliud genus liciti sacramenti quociens opus fuerit juramentum præstandi, status ipsius reformacionem & in integrum restitucionem petendi & recipiendi, de bonis, obvencionibus, proventibus, statu & juribus, ac ipsius pertin. quibuscumque liberè disponendi, & omnia alia faciendi quæ statum ipsius Ecclesiæ in judicio vel extra qualitercunque contingunt, & quæ per verum & legitimum defensorem poterunt expediri. Ratificantes quicquid per te nomine prædictæ Ecclesiæ actum seu procuratum fuerit in præmissis. Hæc omnibus quorum interest innotescimus per præsentes, quas sigilli nostri munimine fecimus communiri. Datum apud *Middleham* 8 Kal. *Aprilis,* anno gratiæ 1283. **Prædicto itaque defensore in nostra præsentia personaliter constituto, habitoque tractatu sollempni & diligenti qui in ordinacionibus & concessionibus perpetuis rerum Ecclesiasticarum exigitur. Quia prædictæ Ecclesiæ parochiam esse diffusam et proventuum redditus habundantes esse conspicimus, adeo quod ad plurium sustentacionem sufficiant ministrorum, eamque paucos hactenus habuisse servitores ex quo divinis multociens fraudabatur obsequiis, et in ipsius parochia diffusa cura negligebatur dampnabiliter animarum. Considerantes insuper utilitatem evidentem et motivam ad ordinacionem subsequentem,** *videlicet,* **divini cultus augmentum, et salutis animarum uberiorem profectum, urgentem etiam necessitatem in hac parte propensius ponderantes, quam evidenter perpendimus ex defectu et raritate Jurisperitorum et Consiliariorum in nostra Dioceſi,** *ad quos in magnis & ardnis Ecclesia nostræ negotiis habere poterit impellente necessitate recursum,* auditis & plenius discussis hiis quæ per dictum defensorem pro jure & utilitate ipsius Ecclesiæ.

Ecclesiæ de *Langecestr.* allegata fuerant & proposita coram nobis, ac universis circumstanciis apercius intellectis, de Capituli nostri *Dunolmensis*, ac sæpedicti defensoris legitimi voluntate & assensu: *In nomine Domini nostri Jesu Christi*, ordinamus in hunc modum; *videlicet*, quod prædicta Ecclesia de Langecestr. ernunc Collegiata existat, et sint in eadem de cætero unus Decanatus et septem Præbendæ, *&c. verbatim* as in the former Charter. In cujus rei perpetuam firmitatem sigillum nostrum præsentibus est appensum. Actum & datum apud *Aukeland* 12 Kal, *Octobris*, Anno graciæ 1283. & Consecrationis nostræ anno prima. Nos autem eidem ordinacioni Regium præbentes assensum, eam pro nobis et hæredibus nostris præfato Episcopo et successoribus suis Episcopis Dunolmensibus, quantum in nobis est, concedimus et confirmamus, sicut literæ prædictæ rationabiliter testantur. In cujus, &c. His testibus, &c. ut supra. Dat. ut supra. *An.* 20 *E.* 1.

John Lythegraynes and *Alice* his wife erecting a Chappel and Chantrie to the *Virgin Mary* in their Manor of *Lasingby*, consisting of one Master and 6 Chaplains, to sing Masse for their souls and the souls of their ancestors, and of King *Edward* and his heirs, of the present Bishop of *Durham* and his successors, and of all faithfull souls deceased, prescribing an oath to them of perpetual residence, and discharge of the particular Divine Services and trusts reposed in them, procured the King by his Supream Ecclesiastical Authority to ratifie this his Charter, (else invalid in Law,) by this his Royal Charter inrolled in the Tower.

Chart. 20 E. 1. n. 5, 6. Pro Waltero de Preston Capellano Lasingby.

REX *Archiepiscopis, &c. salutem. Inspeximus cartam quam dilectus & fidelis noster* Johannes de Lythegraynes & Alicia *uxor ejus fecerunt Deo, & beatæ & gloriosæ Virgini* Mariæ & Waltero de Preston *Capellano in hæc verba.* Omnibus hanc Cartam visuris vel audituris, *Johannes de Lythegraynes* & *Alicia* uxor ejus salutem in Deo sempiternam. Noveritis nos pro salute animarum nostrarum, Antecessorumque nostrorum, & pro salute animæ Domini *Edwardi* Dei gratia illustris Regis *Angliæ*, & hæredum suorum, necnon & pro salute animæ Domini *Antonii* eadem gratia *Dunolmensis* Episcopi & successorum suorum, & pro animabus omnium fidelium defunctorum, dedisse, concessisse, & hac præsenti carta nostra confirmasse Deo, & beatæ & gloriosæ Virgini *Mariæ*, in cujus nomine & honore quondam Capellam in manerio nostro de *Laysingby* cum omnibus suis pertin. ut in Dominicis, Villenagiis, cum villanis & eorum sequelis & catallis omnibus, redditibus, pratis, pascuis, moris, mariscis, turbariis, stagnis, aquis, vivariis & molendinis, cum omnibus pertin. suis in liberam puram & perpetuam elemosinam imperpetuum. Quem quidem *Presbyterum* prædictorum manerii & capellæ constituimus & facimus *Magistrum perpetuum.* Habendum & tenendum eidem Magistro & successoribus suis *Presbyteris* ibidem Deo servituris, ad sustentacionem ser Capellanorum ibidem Deo servitorum et divina celebrancium, prout inferius continetur, liberè, quietè, bene & honorificè, cum omnibus suis pertin. in liberam, puram, & perpetuam elemosinam imperpetuum. Ita tamen, quod si contingat præfatum Magistrum, vel quemcumque alium ipsius loci Magistrum, in vita nostra seu alterius nostrum cedere vel decedere, vel culpis suis exigentibus amoveri, *benè licebit nobis & utrique nostrum in tota vita nostra & utriusque nostrum, infra quadraginta dies post cessum vel decessum, seu amocionem cujuslibet Magistri prædictorum manerii & capellæ loco suo alium idoneum Presbyterum ipsorum manerii & capellæ facere & constituere pro libito nostro Magistrum perpetuum. Et si fortè, quod absit, infra illos quadraginta dies quantum in nobis est ipsorum manerii & capellæ alium Magistrum non fecerimus, benè licebit Domino Episcopo* Dunelmensi *qui pro tempore fuerit unum Presbyterum idoneum prædictorum manerii & capellæ facere & constituere Magistrum illa vice:* Ita tamen quod aliàs cum vacaverit in vita nostra, vel alterius utriusque nostrûm, nobis vel alterutri nostrûm non cedat in præjudicium quominus ipsorum manerii & capellæ alium possimus facere & constituere Magistrum: Et volumus quod prædicti Capellani per præfatum Magistrum & successores suos eligantur, & quocienscunque necesse fuerit per eundem amoveantur, & alii suis locis ponantur *qui sint honesti, casti, sufficienter literati, & benè morigerati.* Et singuli Magistri primo die introitus sui jurent de *personali residencia facienda, et fidelitate domui in omnibus observanda, Terras et tenementa, calices, libros, vestimenta, et omnia alia ornamenta, et alia bona quæcumque

* *Nota.*

An. 20 *E.* 1. quæcumque ad dictas domum et capellam spectancia, quantum in eis est, salbo et fideliter custodienda et custodiri facienda. Et singuli Capellani in suo introitu idem præstent Sacramentum quamdiu ibidem sunt moraturi. Omnes eciam Presbyteri dum sanitate gaudent, singulis diebus simul in prædicta capella pro animabus nostris et omnium antecessorum et successorum nostrorum, Regum et Episcoporum prædictorum, necnon et omnium fidelium defunctorum, divina et omnes horas canonicas, una cum Placebo et Dirige cantent et celebrent. Ita quod una missa de beata *Maria* Virgine in prædicta capella, et una de die, et tres missæ pro animabus nostris, et pro animabus omnium fidelium defunctorum, et una missa pro anima Domini *Antonii* Episcopi *Dunelmensis*, et successorum suorum Episcoporum *Dunelmensium* in capella beati *Johannis Baptistæ* singulis annis celebrentur. Concedimus eciam Deo & Ecclesiæ Sancti *Cuthberti Dunolm.* quod post obitum utriusque nostrum Episcopus *Dunolmensis* qui pro tempore fuerit, & omnes ejus successores Episcopi ejusdem loci imperpetuum loco cujusllibet Magistri prædictorum manerii & capellæ cedentis vel decedentis, seu culpis suis exigentibus amoti, alium Presbyterum discretum & honestum ipsorum manerii & capellæ faciat & constituat Magistrum, curam illius loci agentem, qui similiter juret suo introitu se perpetuo ibidem residere, nisi pro urgentibus negotiis loci illius ac manerii ipsum abesse oporteat vel contingat. Et nos *Johannes* & *Alicia* & hæredes nostri totum prædictum manerium cum omnibus pertin. suis prædictis, Magistro & Sacerdotibus ibidem Deo servituris, prout plenius prænotatur, contra omnes warrantizabimus & defendemus imperpetuum. Et ut præsens concessio & donacio nostra Deo & beatæ *Mariæ* Virgini, ac Magistro & Presbyteris ibidem Deo servituris in forma qua superiùs notatur, stabiles & irrevocabiles imperpetuum permaneant, excludimus omnibus hæredibus nostris per præsens scriptum & donum nostrum omnem viam & omnimodum jus & clamium quod per quodcumque breve, vel quacumque actione ratione vel occasione eis competere possit petendi, vendicandi vel clamandi prædictum manerium cum pertin. vel aliqualem partem imperpetuum. Et in perpetuum testimonium hujus rei, ac majorem securitatem faciendam, præsenti scripto sigilla nostra apposuimus. Hiis testibus Dominis *Willielmo de Colebill*, *Ricardo de Ronndeby*, *Ricardo de Waxand*, *Johanne Hannsard*, *Marmeduco Darel* Militibus, *Johanne Dayvill de Dychton*, *Willielmo de Smytheton*, *Willielmo de Amandevill*, *Alano Norrays*, *Nicholao de la Land. Richardo de Thorneton*, *Stephano Maunsell de Alverton*, *Hugone de Oterington*, *Johanne Clerico*, *Nicholao Astyn*, *Willielmo de Aslakely*, & aliis. Dat. apud *Laysingby* die Dominica post festum Sanctorum *Tyburcii* & *Valeriani* Martyrum, anno regni Regis *Edwardi* decimo octavo. Nos autem donacionem, concessionem et confirmationem prædictas ratas habentes et gratas, eas pro nobis et hæred. nostris quantum in nobis est concedimus et confirmamus, sicut carta prædicta rationabiliter testatur. Hiis testibus venerabilibus patribus *Roberto Bathon.* & *Wellen. Johanne Wynton*, *Anton. Dunolm. Willielmo Elien.* Episcopis, *Edmundo* fratre nostro, *Henrico de Lascy* Com. *Linc.* *Rogero le Bigod* Com. *Norff.* & Mareschallo *Angliæ*, *Humfrido de Bouu* Comite *Hereford.* & *Essex*, *Roberto de Tybetot*, *Waltero de Bello Campo*, *Ricardo de Bosco*, *Elia de Hanvill*, & *aliis.* Dat. per manum nostram apud *Westm.* 4. die *Febr.*

From which 3. Charters I shall observe, 1. That the King, this Bishop and other founders of Chantries in that age, took special care to oblige Deans, Prebends, Priests, Masters and Chaplains not only by their Charters, covenants, but also by solemn promissory Oathes to constant personal residence on their Cures, and the diligent discharge of their pastoral duties, which yet notwithstanding they were apt to neglect. 2ly. That they particularly prescribed, both what and how many Masses, prayers, Tapers, Alms, divine or superstitious Services they should perform for the benefit of their own and others souls departed, whereof our Kings had then the Soveraign Charge, care, for which they made special provisions by their Charters both for that and succeeding ages; as these, with all other their Charters for erecting, endowing, or confirming of Bishopricks, Monasteries, Chappels, Churches or Chauntries abundantly evidence.

King *Edward* the 1. for the peace, quiet, good Government and encouragement of Scholars and learning in the University of *Cambridge*, this year ratified all former Charters

Charters granted to them by his Father King *Henry* the 3. and former Orders and agreements made between them and the Mayor and Townſmen of *Cambridge* for that end, by this his Royal Charter; evidencing the great care our Kings had to protect, advance, encourage Scholars and learning in our Univerſities, and keep the Townſmen from exacting on them in any kinde. *An.* 20 *E.* 1.

REX *Archiepiſcopis, &c. ſalutem. Inſpeximus literas patentes quas Dominus* H. *quondam Rex* Angliæ *pater noſter fecit* Univerſitati Scolarium Cantebr. *in hæc verba.* Henricus *Dei gratia Rex* Angliæ, *Dominus* Hyberniæ, *&* *Dux* Aquitaniæ; *Omnibus Ballivis & fidelibus ſuis ad quos præſentes literæ pervenerint, ſalutem. Sciatis,* quod ad pacem et tranquillitatem, necnon ad utilitatem Univerſitatis Scolarium Cantebr. prohibimus et conceſſimus, *quod duo Aldremanni ſiant in* Cantebrigia, *& quatuor de diſcrecioribus & legalioribus Burgenſibus ejuſdem Villæ aſſocientur ipſis Aldermannis,* qui omnes jurent fidelitatem, *& ſint aſſiſtentes & conſulentes Majori & Ballivis noſtris* Cantebr. *ad pacem noſtram conſervandam, & ad aſſiſas prædictæ Villæ cuſtodiend. & ad inveſtigandum malefactores & perturbatores pacis noſtræ, & vagabundos de nocte, & receptatores latronum & malefactorum,* et *cozpozale præſtent Sacramentum, quod omnia prædicta fideliter obſervabunt. *In qualibet autem parochia Villæ* Cantebr. *ſint duo homines electi de legalioribus parochianis, & jurati, quod in qualibet quindena inquirent ne quis ſuſpectus hoſpitetur in parochia, & ſi aliquis receptaverit aliquem per tres noctes in domo ſua, reſpondeat pro eo. Nullus eciam *regratarius emat victualia in villa* Cantebr. *vel extra verſus villam veniencia, nec aliquid emat ut iterum vendat, ante horam terciam, & ſi fecerit, amercietur ſecundum quantitatem & qualitatem delicti.* Si vero Laicus inferat Clerico grabamen vel enozmem læſionem, ſtatim capiatur: et ſi magna ſit læſio, incarceretur in villa ipſa, et ibi detineatur quouſque Clerico rationabiliter fuerit ſatisfactum. Si autem Clericus inferat grabamen vel enozmem læſionem Laico, incarceretur in prædicta villa quouſque Cancellarius Univerſitatis ipſum poſtulaverit. *Piſtores, Braciatores* Cantebr. *in primo tranſgreſſu ſuo amercientur; in ſecundo, panem amittant vel cerviſiam; in tercio tranſgreſſu habeant judicium de Pillorio vel Tumberello. Quilibet Piſtor habeat ſigillum ſuum, & ſignet panem ſuum per quod poſſit cognoſci cujus panis ſit; quod ſi non fecerit, graviter amercietur. Quicunque de villa* Cantebr. *braciaverit ad vendendum, exponat ſignum ſuum, alioquin amittat cerviſiam. Vina* Cantebr. *communiter vendantur & indifferenter tam Clericis quàm Laicis ex quo imbrochiata fuerint. Temptacio panis fiat bis in anno, videlicet in quindena poſt feſtum Sancti* Michaelis, *& circa feſtum Sanctæ* Mariæ *in* Marcio. *Et Aſſiſa cerviſiæ fiat eiſdem terminis ſecundum valorem bladi & braſei. Et quotieſcunque debeat fieri temptacio panis & cerviſiæ, *interſit Cancellarius prædictæ Univerſitatis, vel aliqui ex parte ſua ad hoc deputati, ſi ſuper hoc requiſiti intereſſe voluerint, quod ſi non interſint, nec ſuper hoc requiſiti fuerint, nichil valeat temptacio prædicta. *Præterea volumus quod villa* Cantebr. *à ſimis & ſordibus mundetur & munda teneatur, & quod aquæductus aperiantur ſicuti antiquitus eſſe ſolebant, ac aperti cuſtodiantur, ut per eos ſordes affluere poſſint; niſi alia neceſſitas aut utilitas obſteterit; & quod alia obſtacula tranſitum impediencia amoveantur, & præcipuè ut magnum foſſatum villæ mundetur:* Ad quæ obſervanda ozdinentur duo Burgenſes ex legaliozibus in quolibet vico jurati cozam Majoze et Ballivis, Cancellario et Magiſtris ad hoc requiſitis, ſi venire voluerint. *In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte meipſo apud* Weſtm. *viceſimo ſecundo die* Febr. *anno Regni noſtri quinquageſimo ſecundo. Inſpeximus eciam literas patentes quas idem Rex pater noſter fecit Cancellario & Scholaribus* Cantebr. *in hæc verba.* Henricus *Dei gracia Rex* Angliæ, *Dominus* Hiberniæ, *&* *Dux* Aquitaniæ, *Omnibus Ballivis & fidelibus ſuis ſalutem. Sciatis,* quod ob bonozem Dei et Eccleſiæ ſacroſanctæ, necnon et commodum et communem utilitatem Scolarium in Municipio Cantebr. ſtudencium, *conceſſimus Cancellario & Scolaribus prædictis, & eorum ſucceſſoribus ibidem ſtudentibus,* Quod omnes domus ejuſdem villæ quas Scolares prædictos inhabitare contigerit, per duos Magiſtros et duos Burgenſes ejuſdem villæ ſecundum rationabilem taxationem, de cætero taxantur de quinquennio in quinquennium. *Et ideo vobis mandamus,* quod prædictis Cancellario et Scolaribus contra hanc conceſſionem noſtram impedimentum, moleſtiam aut grabamen non inferatis, vel aliquibus inferri permittatis. *In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte meipſo apud* Weſtm. *ſexto die* Feb.

Chart. 20 E. 1. n. 51. Pro Cancellario & Scolaribus Univerſitatis Cantebrig. Vid. Claus. 49 H. 3. m. 10. Pat. 17 E. 3. pars 2. m. 23. Pat. 9 H. 6. pars 2. m. 16. Pat 9 R. 4. pars 3 m 8.

* Vid. Pat. 10 E. 3. pars 1. m 32.

* Vid. Pat. 1 E. 3. pars 1. m. 6, & 8.

* Pat. 2 R. 2. pars 1. m. 16, & 39 & pars 2. m. 10. Pat. 4 R. 2. pars 2. m. 24 Pat. 8 R. 2. pars 2. m. 41. Rot. Parl. An. 8 R. 2. Art. 11. Pat. 9 R. 2. pars 2. m. 20.

An. 20 E. 1. *anno Regni nostri quinquagesimo. Inspeximus etiam literas patentes quas idem Rex pater noster fecit* Magistris et Scolaribus Universitatis ejusdem Villæ *in hac verba.* H. *Dei gratia Rex* Angliæ, *Dominus* Hyberniæ, *& Dux* Aquitaniæ, *Omnibus Ballivis & fidelibus suis ad quos præsentes literæ pervenerint salutem. Quia Ballivi & Burgenses nostri* Cantebr. non solum negligentes existunt, verumeciam impotentes ad malefactorum insolencias, et alia Magistris et Scolaribus Universitatis ejusdem villæ nociba modo debito reprimenda, per quod sicut pro certo intellexerimus, contingit dictos Magistros et Scolares multociens impediri, ita quod actus scholasticos in quiete studentibus maxime necessaria nequeunt exercere; Nos dictorum Magistrorum et Scolarium tranquillitati et paci prospicere cupientes, volumus et præcipimus, *quod Vicecomites Com.* Cantebr. *qui pro tempore fuerint, quando Ballivi aut Burgenses prædicti negligentes vel impotentes inventi fuerint in præmissis,* hujusmodi malefactores, ac pacis nostræ dictæque Universitatis turbatores, cum sufficienti posse Com. prædicti, si necesse fuerit, ab hujusmodi præsumptionibus temerariis penitus desistere, et prædicta nociba reprimi faciant, cum ex parte Universitatis prædictæ inde fuerint requisiti. Ita quod dicti Magistri et Scolares ibidem studiis liberalibus applicati, sub protectione manus nostræ oblatis liberius prospicere valeant incrementis. *In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud* Westm. *vicesimo die* Julii, *anno regni nostri quinquagesimo tercio. Inspeximus eciam literas patentes quas idem Rex pater noster fecit* Magistris et cæteris Scolaribus Universitatis ejusdem villæ, *in hac verba.* H. *Dei gratia Rex* Angliæ, *Dominus* Hiberniæ, *& Dux* Aquitaniæ, *Omnibus ad quos præsentes literæ pervenerint salutem. Quia dilectis nobis in Christo* Magistris et cæteris Scolaribus Universitatis Cantebr. *per Comites, Barones, Milites, & alios torneamenta ibidem exercentes, aventuras quærentes & ad arma euntes,* frequencius solent pericula et incommoda multipliciter evenire, quæ si tollerarentur, in discidium ibidem studencium per processum temporis cedere possent manifeste, quod sustineri nolumus sicut nec debemus: Nos indempnitati Magistrorum et Scolarium prædictorum volentes in hac parte, quatenus fieri poterit provident; Concessimus eis de gratia nostra speciali, quod torneamenta aliqua, aventuræ, Justæ, seu hujusmodi hastiludia non fiant de cætero in villa prædicta, seu per quinque miliaria circumquaque. Et prohibemus super gravem forisfacturam nostram, ne quis de Regno nostro apud villam prædictam, seu alibi infra prædicta miliaria circumquaque torneare, justas facere, seu aventuras, vel alia hastiludia quærere præsumat contra concessionem nostram prædictam. *In cujus rei testimonium, has literas nostras fieri fecimus patentes. Teste meipso apud* Westm. *vicesimo quarto die* Julii *anno regni nostri quinquagesimo quarto. Inspeximus eciam quoddam scriptum* inter Scolares et Burgenses Cantebr. et Communitatem ejusdem villæ *in modum Cyrographi confectum in hac verba.* In nomine Domini, Amen. *Cum inter Magistros & Scolares ac Burgenses* Cantebr. *& Communitatem ejusdem* sæpius fuisset contencio exorta, cujus occasione tam Clero quam populo multa imminebant pericula, *tandem interveniente Nobili viro Domino* Edwardo *illustris Regis* Angliæ *primogenito, anno Domini M. CC. septuagesimo, mense* Aprilis, *talis forma pro periculis imminentibus & futuris vitandis, & pro pace imposterum observanda fuit provisa, videlicet, Quod singulis annis infra quindenam à tempore quo Magistri ibidem legentes suas lectiones resumpserint post festum Sancti* Michaelis, *eligantur de quolibet Com.* Angl. quinque Scolares de discretioribus ibidem commorantibus, *& tres de* Scocia, *& duo de* Wallia, *& tres de* Hibernia, *& decem Burgenses, scilicet septem de urbe, & tres de suburbio,* qui juramentum corporale præstabunt hinc inde tam Clerici quam Laici vice omnium, quod pacem et studii tranquillitatem observabunt, et ab aliis pro posse observari procurabunt, et consimile Sacramentum omnes alii Clerici et Laici dictis electis præstabunt, *scilicet,* quod bene et pacifice in studio stabunt: Et si aliqui mali vel rebelles Scolares seu Laici inventantur, qui prius amoniti, vel judicialiter conventi se corrigere noluerint, ad ipsum capiendum secundum quod decet statum eorum et ordinem Clericalem Burgenses juvabunt. *Eligantur autem in forma prædicta certi Magistri qui nomina omnium principalium & singularum domuum scribant, & omnium in eisdem domibus habitancium,* qui similiter eisdem jurabunt principalibus specialiter jurantibus, quod nullum pacis perturbatorem in suis hospiciis scienter recipient; Et si postquam recepti fuerint tales inveniantur, quod incontinenti personis juratis et electis denunciabunt. Laici eciam

am

am familiam et inquilinos in suis domibus habentes consimile Sacramentum præ- *An.* 20 *E.* I.
stabunt, et a tua familia ac inquilinis recipient. *Quod si aliqui rebelles inveniantur*, tam per Clericos quam per Laicos in forma prædicta extra Universitatem seu Communitatem ejiciantur. *Et si tanta fuerit rebellium multitudo quod per Burgenses cum Cleri auxilio ejici non possit, Domino Regi & suo Consilio denuncietur. Caterum si contingat aliquos hujusmodi electorum* Clericorum vel Laicorum *dicto termino abesse, habeant potestatem alios loco eorum subrogare. Ordinatum est etiam, quod singulis annis in resumpsione Magistrorum prius stent electi tam Clericorum quàm Laicorum, vel quod alii de novo eligantur*, omnibus et singulis privilegiis dictæ Universitatis prius per Dominum Regem vel prædecessores suos concessis in suo robore duraturis. *Et ad præmissa omnia & singula fideliter observanda*, Clerici Laicis, et Laici Clericis Sacramento præstito corporali se invicem obligarunt, *& huic scripto in modum cyrographi confecto* commune sigillum Universitatis Cantebr. et sigillum commune Burgensium, una cum sigillo Domini Regis apponi fecerunt. *Nos autem provisiones, concessiones & ordinaciones predictas ratas habentes & gratas, eas pro nobis & heredibus nostris* Cant. Magistris et Scolaribus Universitatis prædictæ et eorum successoribus ibidem commorantibus, quantum in nobis est concedimus et confirmamus, sicut prædictæ literæ patentes, et prædictum scriptum rationabiliter testantur. *His testibus venerabilibus patribus* R. Bathon. & Wellen. A. Dunolm. & W. Elien. *Episcopis*; Edmundo *fratre nostro*, Willielmo de Valencia *avunculo nostro*, Gilberto de Clare *Comite* Glouceſtr. & Herteford, Henr. de Lacy *Comite* Linc. Humfrido de Bohun *Comite* Hereford. & Essex, Waltero de Bello Campo, Roberto Malet, Ricardo de Bosco, *& aliis. Dat. per manum nostrum apud* Westm. 6. *die* Februarii.

How carefull the King was to maintain the premised Custome and Priviledge of this University, concerning the rents, or taxes set on houses let to Scholars, will appear by his memorable Writ this year to supersede an *Assise* of *Novel disseisin* brought by the Prior of *Bernewell* against the Chancellor of *Cambridge*, for letting out his house to a Scholar, upon sufficient caution to pay the Rent, in the Priors neglect to let it to him.

EDwardus Dei gratia, &c. dilectis & fidelibus suis *Elie de Beckingham*, & *Hugoni de Crossingham*, salutem. Ex parte Cancellarii et Scholarium Universitatis *Cantabrigiæ* nobis est ostensum, quod cum per Cartas progenitorum nostrorum Regum *Angliæ* eisdem Cancellario & Scholaribus concessas, & nostram Confirmationem, Domus Burgens. in eadem villa Scolaribus conducendæ per duos Magistros dictæ Universitatis & duos Burgenses ejusdem Villæ taxari debeant, & consueverint; Ita quod pensio ad quam hujusmodi domus taxari debuerit hospitibus illis à quibus domus illæ sic conductæ fuerint secundum veram taxationem persolvatur; ac etiam secundum Statuta et Consuetudines ejusdem Universitatis a prima fundatione ejusdem hactenus ibidem observata, sine quibus dicta Universitas nullatenus stare posset, Scolares hujusmodi Domus conducere volentes, in defectu hospitum quorum Domus illæ fuerint, si hospites illi inventi non fuerint, vel malitiose se absentaverint, vel si forte inventi Domos suas Scholaribus locare noluerint, et sufficientem cautionem de dicta pensione pro Domibus illis solvenda a dictis Scholaribus admittere recusaberint, Cancellarium Universitatis prædictæ adeant, qui recepta a dictis Scholaribus cautione sufficiente, domos illas eis, sicut moris est, in eadem Universitate liberari faciat inhabitandas: ac prædictus Cancellarius *quandam Domum Prioris de* Bernewell *in prædicta villa* Cantebr. Magistro *Radulpho de Leicestr.* in defectu ipsius Prioris cautionem à dicto *Radulpho* pro pensione Domus illius eidem Priori solvenda admittere volentis, per bonam cautionem juxta consuetudinem Universitatis prædictæ inhabitandam liberabit. Prædictus Prior de *Bernewell* confingens, se per prædictos Cancellarium & *Radulphum* fore disseisitum de Tenemento prædicto, *Assisam novæ disseisinæ* coram vobis arram. ad grave dampnum prædictorum Cancellarii et *Radulphi*, necnon et prædictæ consuetudinis Universitatis prædictæ læsionem manifestam; & quia prædictis eisdem Cancellario & *Radulpho* injuriari, seu Libertatibus et Consuetudinibus ejusdem Universitatis in aliquo derogari nolumus in hac parte; Vobis mandamus, quod habito

Brevia Regis in Turre London, An. 20 E. I.

An. 20 *E.* 1. bito respectu ad Consuetudines et Statuta prædicta, ad ceptionem Assisæ prædictæ nobis et nostro Consilio super hoc inconsultis, nullatenus procedatis. Dat. apud *Sanctum Edmundum* 27. die *April.* Anno regni nostri vicesimo.

In the 20th. year of this Kings reign, I finde this Writ of *Quod damnum* issued in order to grant some Messuages, Lands, and the Advouson of the Church of St. *Michael* in *Cambridge*, to the Vice-chancellor and Scholars of that University, towards the maintenance of a Chauntry, defraying the expences of the University in defence of their Liberties, and maintenance of poor Scholars therein, for advancement of Learning and Religion.

Brevia Regis in Turre London. An. 20 & 21 E. 1.

EDwardus *Dei gratia Rex* Angliæ, &c. *Vic.* Cantebr. *salutem. Præcipimus tibi quod per Sacramentum proborum & legalium hominum de Comitatu tuo, per quos rei veritas melius sciri poterit, diligenter inquiras, si sit ad dampnum vel prajudicium nostrum, vel aliquorum, si concedamus* Rogero de Ridelingfeld *Capellano, quod ipse quatuor Messuagia, & triginta acras terræ, cum pertinentiis in* Cantebrig. *&* Matild. Atte-Wolde, *quod ipsa Advocationem Ecclesiæ Sancti* Michaelis *in eadem Villa, dare possint & assignare dilectis nobis in Christo* Galfrido de Pakenham Cancellario Universitatis nostræ Cantebrig. et Magistris Universitatis ejusdem, ad onera Suffragiorum spirituallium, pro animabus Regum et Reginarum Angliæ, et liberorum suorum, et aliorum Benefactorum ejusdem Universitatis, et expensarum quæ pro defensione Libertatum et status Universitatis ejusdem fieri contigerit; necnon et in parte sustentationis pauperum Scholarium ibidem degentium. Habend. et tenend. eisdem Cancellario et Magistris Universitatis prædictæ, et eorum successoribus Cancellario et Magistris Universitatis illius imperpetuum: *Nec ne? Et si sit ad dampnum vel prajudicium nostrum, vel aliorum; tunc ad quod dampnum & quod prajudicium nostrum, & quod dampnum & quod prajudicium aliorum, & quorum, & qualiter, & quomodo? Et de quo vel de quibus Messuagia illa, Terra & Advocatio teneantur, & per quod servitium, & quantum valeant per annum in omnibus exitibus. Et si terræ & tenementa predictorum* Rogeri & Matild. *sibi remanentia ultra donationes & assignationes predictas sufficiant ad consuetudines & servitia, tàm de predictis Messuagiis, Terra & Advocatione datis, quàm retentis, debita facienda, & ad omnia alia onera quæ sustinuerunt & sustinere consueverunt, ut in sectis, visibus franci plegii, auxiliis, tallagiis, vigiliis, finibus, redemptionibus, amerciamentis, contributionibus, & aliis quibuscunque oneribus emergentibus sustinenda, prout ante donationes predictas fieri consueverunt: Et Inquisitionem inde distinctè & apertè factam, nobis sub sigillo tuo, & sigillis eorum per quos facta fuerit, sine dilatione mittas, & hoc Breve. Teste meipso apud* Culford. 7 *die* Maii, *Anno regni nostri* 20. Which * Church with other Lands I finde afterwards appropriated to the House and Scholars of St. *Michael* in *Cambridge*.

* Pat. 17 E. 2. pars 2. m. 12.

The Abbot and Covent of the Greater Monastery of *Turon*, exempt by Popes Bulls from all Episcopal Jurisdiction, fearing that a clause in Pope *Innocents* Bull should invalid this their Priviledge and Exemption, procured two new Bulls (from Pope *Innocent*, and Pope *Alexander*) to secure themselves, and their Cells in *England* from all Episcopal Jurisdiction; which they exemplified in and by this Charter of King *Edward* the 1. under his Great Seal, and enrolled in Chancery this year.

Chart. 20 E. 1. m. 13. Cedula.

EDwardus *Dei gratia Rex* Angliæ, *Dominus* Hiberniæ, *& Dux* Aquitaniæ, *omnibus hac visuris, salutem. Inspeximus* quædam privilegia in serico bullata, *non cancellata, non abolita, nec in aliqua sui parte viciata, ex parte Religiosorum virorum Abbatis & Conventus Majoris Monasterii* Turonensis *nobis exhibita, formam quæ sequitur continencia.*

Innocentius Episcopus servus servorum Dei, dilectis filiis Abbati & Conventui Majoris Monasterii *Turonensis*, ad Romanam Ecclesiam nullo mediante spectantis, salutem & Apostolicam benedictionem. Cum nuper duxerimus statuendum, ut exempti quantacunque gaudeant libertate, nichilominus tamen ratione delicti, seu contractus, aut rei de qua agitur contra ipsos, rite possunt coram locorum Ordinariis convenirí, et illi quo ad hoc suam in ipsos jurisdictionem prout jus erigit exercere.

ercercere. Nos dubitantes, ne per Conſtitutionem hujuſmodi libertatibus et immunitatibus, ac juribus vobis et membris veſtris, privilegiis et indulgenciis ab Apoſtolica ſede conceſſis præjudicari valeat: Nobis humiliter ſupplicaſtis, ut providere ſuper hoc indempnitati veſtræ paterna ſolicitudine curaremus. Quia verò Monaſterii ſacra religio ſic vos apud nos favore dignos conſtituit, ut nobis votivum exiſtat, vos ab omnibus per quæ vobis poſſent provenire diſpendia immunes libenti animo præſervare, auctoritate vobis præſencium indulgemus, ut occaſione Conſtitucionis hujuſmodi nullam eiſdem libertatibus et immunitatibus, ac juribus imposterum præjudicium generetur. Nulli ergo omnino hominum liceat hanc paginam noſtræ conceſſionis infringere, vel ei auſu temerario contraire. Si quis autem hoc attemptare præſumpſerit, indignacionem omnipotentis Dei, & beatorum *Petri* & *Pauli* Apoſtolorum ejus ſe noverit incurſurum. Dat. *Lugduni* 3 Idus *Aprilis*, Pontificatus noſtri anno octavo. *An.* 20 *E.* I.

Alexander Epiſcopus ſervus ſervorum Dei, dilectis filiis Abbati & Conventui Majoris Monaſterii *Turonenſis*, ad Romanam Eccleſiam nullo medio pertinentis, Ordinis Sancti *Benedicti*, ſalutem & Apoſtolicam benedictionem. *Laudabilis religio qua in Monaſterio veſtro colitur, ſic ab eo mundane diſſolucionis relegavit illecebras, ut inter alia clauſtralis abſtinencie nexibus religatum, obſervancie puritate fulgeat regularis, & voluntatis libitum coartans, omnino ſub obediencie debito dignam & ſedulam exhibeat Domino ſervitutem; unde tanquam pociori devotione preminens attolli jamdudum exempcionis privilegio meruit, & velut ſanctitatis eminencia præſignitum nonnullis diverſarum gratiarum titulis honorari.* Cum itaque in privilegiis ipſius Monaſterii contineatur expreſſe, ſicut nos ipſi ex inſpectione ipſorum privilegiorum collegimus, ne quiſquam Archiepiſcopus aut Epiſcopus beati Martini Majus Monaſterium, aut ipſius majoris Monaſterii Monachos pro ulla cauſa, ullo in loco excommunicare præſumat, ac univerſi Priores et Monachi veſtri, ſive in ipſo Monaſterio, ſive in ipſius Prioratibus commorentur et membris, in eodem Monaſterio prout aſſertis profeſſionem emittant, et ad voluntatem Abbatis ipſius Monaſterii qui eſt pro tempore mittantur ad Prioratus et membra eadem moraturi ineis, et ab ipſo Abbate cum ei placuerit, ad idem Monaſterium revocentur, et conveniens ſit ut qui eidem Monaſterio pari ſe in illo profeſſione alligant, eadem gaudere debeant libertate. Nos veſtris devotis ſupplicacionibus inclinati, *ut univerſi Priores & Monachi predicti ubicunque fuerint, gaudeant & utantur liberè privilegiis, indulgenciis, libertatibus, immunitatibus, & graciis quibus gaudent & utuntur Monachi in ipſo Monaſterio commorantes*, conſtitucione ſeu declaracione felicis recordacionis Innocentii *Papæ prædeceſſoris noſtri*, circa exemptos edita, vel quibuſlibet aliis ſtatutis ſeu declarationibus factis et promulgatis ab Apoſtolica ſede ad inſtanciam quorumcunque, et quibuſcunque literis Apoſtolicis per quoſcunque obtentis nequaquam obſtantibus, auctoritate vobis præſencium de ſpeciali gratia indulgemus. Nos enim Interdicti, Excommunicationis et Suſpenſionis ſententias et proceſſus, ſi quos in vos et Monaſterium veſtrum, vel Prioratus aut Monachos prædictos, ſeu Prioratus et membra veſtra contra præſentis indulti tenorem per quoſcunque ferri vel haberi contigerit, irritos decernimus et inanes. Nulli ergo omnino hominum liceat hanc paginam noſtræ conceſſionis & conſtitucionis infringere, vel ei auſu temerario contraire. Si quis autem hoc attemptare præſumpſerit, indignacionem omnipotentis Dei, & beatorum *Petri* & *Pauli* Apoſtolorum ejus ſe noverit incurſurum. Dat. *Viterbii* 6 Idus *Novembris*, Pontificatus noſtri anno tertio. *Nota.*

Thus one Popes Bull contradicted, and then repealed, or explained another, to gain monies from their exempt Monaſteries, Abbots and Monks upon all occaſions, who could not endure to be ſubject to any Archiepiſcopal or Epiſcopal Juriſdiction.

The Pope granting the Biſhop and Freers of the Hoſpital of St. *Maries* of *Bethleem*, Bulls and Indulgences to collect Almes for the relief of the poor and infirm in their Hoſpitals, in divers parts of the world; the King out of his charity and Royal authority granted them this Protection, Licenſe, and Patent of aſſiſtance to collect and receive the Almes of his Subjects within the Realm, and to ſeiſe and puniſh all falſe Collectors thereof, not authorized by them.

REX

An. 20 E. 1.

Pat 20 E. 1. m. 16. intus. Pro Episcopo & Fratribus Ecclesiæ beatæ Mariæ de Bethleem, & eorum Nunciis. See here p. 449, 450.

REX omnibus ad quos, &c. salutem. Cum dilecti nobis in Christo venerabilis pater Episcopus & Fratres Ecclesiæ beatæ *Mariæ* de *Bethleem*, mittant quosdam Nuncios suos cum **privilegiis Apostolicis et indulgentiis ad loca diversa, ad elemosinas Christi fidelium colligendas in subsidium Ecclesiæ beatæ *Mariæ* de *Bethleem*, pauperum et infirmorum in eorum Hospitalibus per diversas partes mundi degentium.** Nos eosdem Episcopum & Fratres,, ac eorum Nuncios prædictos in protectionem & defensionem nostram suscepimus specialem; Vobis mandamus, quod ipsos Episcopum, Fratres & Nuncios manuteneatis, & protegatis, & defendatis, non inferentes eis vel inferri permittentes injuriam, molestiam, dampnum aut gravamen. Et si quid eis forisfactum fuerit, id eis quantum in vobis est, sine dilatione faciatis emendari. Rogamus etiam vos, quod cum dicti Fratres vel eorum Nuncii ad vos venerint, **de bonis vestris elemosinas petituri, ipsos benigne admittere, et eisdem intuitu charitatis ad sustentationem prædictam de bonis vestris erogare velitis, ut a Deo remunerationem condignam, et a nobis grates reportare** * See p. 243. **possitis speciales.** Et quia quidam * falsarii advocantes se per Episcopum & Fratres Ecclesiæ prædictæ, nomine ipsorum Episcopi & Fratrum elemosinas colligunt, licet per ipsos potestatem non habeant, ut intelleximus, Vos iterato rogamus, quod cum aliqui tales sine literis patentibus prædicti Episcopi vel ejus Nuncii causa hujusmodi collectæ faciendæ per vos transitum fecerint, ipsos cum collecta illa arrestari faciatis, donec de hujusmodi malicia emendas fecerint competentes, prout in casu consimili aliàs fieri consuevit. In cujus, &c. Teste Rege apud *Stebenheth.* 15 die *Aprilis.*

Pat. 20 *E.* 1. m. 6. The King granted the like Patent and Protection *verbatim*, *Pro Magistro & Fratribus Hospitalis Sancti* Jacobi *de* Alto Passu, *& eorum attornatis. Teste Rege apud* Berewyk. super Twed. 15 *die* Julii: as he had * *formerly* done.

* See here p. 275, 364, 365.

This year the King by two distinct Patents, running in the same form, nominated two * more of his 2c. Clerks who should enjoy the Popes Priviledge granted to him for Non-residence from their Livings ten years space.

* See here p. 423, 424.

Pat. 20 E. 1. m. 22 intus. De privilegio pro Clericis Regis concesso.

REX omnibus ad quos, &c. salutem. Universitati vestræ notum facimus per præsentes, quod cum Sanctissimus pater in Christo Dominus *Nicholaus* Papa quartus, nobis de gratia speciali concesserit, **quod viginti Clerici nostris obsequiis insistentes, quos duxerimus nominandos, sua beneficia Ecclesiastica per decennium libere recipere valeant, non obstante quod primam vel aliam residentiam non fecerint in eisdem, prout in literis Apostolicis plenius continetur.** Nos dilectum Clericum nostrum Dominum *Agmonem de Quarto* Præcentorem *Lugduni*, nostris obsequiis fideliter ac diligenter insistentem nominamus inter cæteros Clericos nostris obsequiis immorantes ad dictam gratiam, per prædictum tempus liberaliter optinend. In cujus, &c. Teste Rege apud *Westm.* quinto die *Februarii.*

The like Patent *in terminis*, nominated *Magistrum Arnaldum de Tillio* for another Non-resident: *Teste Rege apud* Stebenheth. 11 *die* Decembris.

How the King by his Soveraign authority, commissioned others to visit his Hospitals, make Ordinances for, place Masters in them in his stead, this Patent instructs us.

Pat. 20 E. 1. m. 10. See Rondela Brev. An 20 E. 1. a Writ to the same effect.

REX omnibus ad quos, &c. salutem. Cum dilectus noster *Willielmus de Hamelton* Archid. *Eborum* **in visitacione et ordinacione quas de præcepto nostro nuper fecit in Hospitali nostro** beati *Nicholai* infra Civitatem nostram *Ebor.* fundato, Magistrum eidem Hospitali præficere distulerit, **quousque de nostra sibi super hoc constiterit voluntate.** Per quod nos nolentes, quod Hospitale illud Magistro diutius careret, nec quod bona ejusdem possent pro defectu regiminis dissipari: Mandavimus dilecto nobis in Christo Abbati beatæ *Mariæ Ebor.* & dilecto & fideli nostro *Johanni de Lythegreynes*, quod ipsi aliquem Capellanum providum & honestum de Civitate prædicta, vel partibus adjacentibus, qui regimini ejusdem Hospitalis vellet & sciret intendere, **eligerent vice nostra.** Ac iidem Abbas & *Johannes Robertum*

Robertum le Graunt perſonam Eccleſiæ *Sanctæ Crucis Ebor.* de communi conſenſu Majoris & Communitatis Civitatis prædictæ, ad hoc nominaverint in Magiſtrum. Nos de ipſius *Roberti* induſtria confidentes, commiſimus ei Hoſpitale prædictum cum pertin. cuſtodiendum, **quamdiu bene et fideliter ſe geſſerit in eodem.** Ita quod **ordinationem** per præfatum Clericum noſtrum in eodem Hoſpitali nuper factam, **et per noſtras patentes literas poſtmodum confirmatam in ſingulis ſuis articulis firmiter et inviolabiliter faciat obſervari,** quod in dictis literis noſtris plenius continetur. In cujus, &c. Teſte Rege apud *Berewyk* ſuper *Twed.* 12 die *Junii.* *An.* 20 E. 1.

Et mandatum eſt fratribus & ſororibus, &c. Teſte ut ſupra.

The King ſtanding in need of monies, his Treaſurer borrowed from the Popes Nuncio and Merchants no leſſe then one Hundred Thouſand Marks at once, due at the ſecond terme of payment thereof, out of the Diſmes granted him by the Pope for relief of the Holy Land, collected in *England*, as theſe Records atteſt.

REX omnibus ad quos, &c. ſalutem. Sciatis quod aſſignavimus dilectum & fidelem noſtrum Magiſtrum *Willielmum de Marchia* Theſaur. noſtrum, **ad petendum et recipiendum nomine noſtro centum millia marcarum de Decima collecta in regno noſtro *Angl.* et nobis a ſede Apoſtolica in ſubſidium Terræ Sanctæ conceſſa,** de ſecundo termino ſolucionis ejuſdem, una cum ſuperpluſagio de toto tempore **conceſſionis Decimæ illius, tam a Mercatoribus noſtris *Lucaen.* quam ab aliis quibuſcunque ad Decimam illam nobis ſolvendam, a prædicta ſede Apoſtolica deputatis.** In cujus, &c. Teſte Rege apud *Berewyk* ſuper *Twed.* 13 die *Junii.* Pat. 20 E. 1. m. 10.

REX omnibus ad quos, &c. ſalutem. Sciatis nos recepiſſe per manus dilecti & fidelis noſtri Magiſtri *Willielmi de Marchia* Theſaur. noſtri, à dilectis nobis Magiſtro *Giffredo de Vezano* Cameracen. **cameræ Domini Papæ Clerico, et Apoſtolicæ ſedis in *Anglia* Nuncio,** & Magiſtro *Johanne de Luk.* Canonico Sancti *Pauli London.* **centum millia marcarum de Decima in regno noſtro *Angl.* collecta, et nobis a prædicta ſede in ſubſidium Terræ Sanctæ conceſſa,** de ſecundo termino ſolucionis ejuſdem: **De quibus centum millibus marcarum præfatos Magiſtros *Giffredum* & *Johannem*, et ſedem prædictam, tenore præſencium quietamus.** In cujus, &c. Teſte ut ſupra. Thus the King and Pope divided this great ſpoyle between them, no part thereof being applyed to the Holy Lands relief. Ibidem.

The Abbot and Covent of *Certeſey* procuring divers Churches to be appropriated to them, to which notwithſtanding others preſented their Clerks by prayers or power, againſt their wills, upon the deaths of their Temporary Vicars, procured a Bull from Pope *Clement* the 3d. and Charter from the Biſhop of *Winton*, to hold them to their proper uſes after the Encumbents deaths or reſignations, ſo as they preſented Vicars to them; which being invalid without the Kings ſpecial licenſe and confirmation, they procured this Parent from him to confirm theſe appropriations to them, by reaſon of the poverty and loſſes of the Monaſtery, wherein the Popes Bull, and Biſhops Charter are recited and ratified.

REX omnibus ad quos, &c. ſalutem. Inſpeximus literas patentes quas venerabilis pater *Johannis Winton.* Epiſcopus fecit dilectis nobis in Chriſto Abbati & Conventui de *Certeſeye*, in hæc verba. *Univerſis præſentes literas inſpecturis*, Johannes *permiſſione divina* Winton. *Eccleſiæ Miniſter, ſalutem in Domino ſempiternam. Noveritis nos literas felicis recordationis* Clementis *Papæ tercii, nobis ex parte Religioſorum virorum Abbatis & Conventus de* Certeſeye *noſtræ Diocæſis præſentatas, non cancellatas, non abolitas, nec in aliqua ſui parte viciatas, filo ſerico, & vera bulla bullatas vidiſſe, legiſſe, ac diligenter examinaſſe, ſub eo qui ſequitur verborum tenore.* *Clemens* Epiſcopus ſervus ſervorum Dei, dilectis filiis Abbati & Conventui de *Certeſeya*, ſalutem & Apoſtolicam benedictionem. Religioſis locis adeſſe **univerſalis regiminis adminiſtractione compellimur,** & eorum commoditatibus ſollicitè providere caritatis zelo propenſius commovemur, ut oculus Apoſtolicæ ſedis eorundem locorum commodis Pat. 20 E. 1. m. 11. Pro Abbate & Conventu de Certeſeye.

An. 20 E. 1. commodis officio sollicitudinis pastoralis invigilet, & eorum indempnitati provida studeret circumspectione cavere. Ad nostram siquidem audienciam pervenit, quod quædam parochiales Ecclesiæ Monasterio vestro ad sustentacionem fratrum, hospitum ac pauperum susceptionem fuerant collatæ, scilicet de *Botham*, & de *Edesham*, & de *Ewell*, & de *Waltham*, & de *Horleya*, & de *Coveham*, & de *Culesdon* Ecclesiæ, & de *Wetesdon*, & de *Certeseya* Capellæ, in quibus Clerici instituti per temporales Vicarios ministrabant; quibus decedentibus, tam Ecclesiasticæ quam Seculares personæ, interdum precibus et potencia potius quam vestra voluntate, Clericos suos in eis faciebant instituí; In quo jus Monasterii vestri contigit deperire, et Ecclesias ipsas bonis et possessionibus amplas vobis inutiles et infructuosas existere. Nos autem quorum est errata corrigere, et quæ perperam fuerunt ad æquitatis tramitem revocare; Vobis & Ecclesiæ vestræ cupientes utiliter providere, auctoritate vobis Apostolica indulgemus, ut cum Clerici aut Sacerdotes prædictarum Ecclesiarum decedunt, aut eas vivi dimittunt, licitum sit vobis eas in manu vestra retinere, et earum beneficia ad proprios usus reservare, electis ibidem Vicariis et Diocesano Episcopo præsentatis; Ita quidem quod Episcopo non liceat qui sibi fuerint præsentati, nisi ob manifestam et rationabilem causam repellere; eadem vero Ecclesiæ et earum beneficia vobis et successoribus vestris imperpetuum conserventur, eorum pro quorum gubernacione et sustentacione concessa sunt omnimodis usibus profutura, salva sedis Apostolicæ auctoritate, et Diocesani Episcopi Canonica justitia. Præterea auctoritate duximus Apostolica statuendum, ne quis Archiepiscopus, Episcopus, Archidiaconus, Decanus, seu aliquis Ecclesiæ Prælatus, vos aut Ecclesias vestras, vel Clericos vestros suspendere, interdicere seu excommunicare, vel a vobis, vel a possessionibus vestris quicquam exigere quod indebitum sit vel extraordinarium, nisi ex rationabili causa et ordine judiciario cognita, ullo ausu præsumat. Decrevimus ergo, ut nulli omnino hominum liceat hanc paginam nostræ constitucionis & prohibicionis infringere, vel ei ausu temerario contraire. Si quis autem hoc attemptare præsumpserit, indignationem omnipotentis Dei, & beatorum *Petri* & *Pauli* Apostolorum ejus se noverit incursurum. Data *Laterani* 13 Kal. *April.* Pontificatus nostri anno quarto. *Cum igitur Ecclesia de* Botham *predicta nostri Diocesis, dictorumque Religiosorum patronatus per resignationem* Johannis de London. *nuper Rectoris ejusdem in manibus nostris pure & simpliciter nuper factam vacare noscatur ad præsens: Nos attendentes,* quod eorundem Religiosorum redditus et proventus adeo sunt tenues et exiles, in tantumque istis diebus modis variis decrescebant, quod remanente onere quod de die in dies excrescit, et numero Deo inibi famulancium, ipsi tanquam ære alieno depressi, eorumque facultatibus lapsi, pensatis oppressionibus variis, tam eracionum quam etiam pestilenciarum, et inundacione aquarum quæ in animalibus, pecudibus et aliis nuper in illis partibus de Certeseye contigerunt, non poterunt ex ipsis commode sustentari, nec hospitalitatem, ut præmittitur, vel alia caritatis opera prout consueverunt hactenus exercere. *Hiis & aliis rationibus evidentibus & legitimis,* quibus Ecclesiarum appropriatio non tam juri contraria quam pietati consona est censenda, merito excitati, *quod per felicis recordationis C. Papam prædictum, tam piè, tam misericorditer factum & concessum existit, quantum in nobis est, ratum habentes & firmum; cupientesque effectui debito mancipare, eisdem Religiosis concedimus per præsentes, ut ipsi per Procuratores eorundem dictæ Ecclesiæ jam vacantis, qua eis ut præmittitur,* auctoritate sedis Apostolicæ appropriata existit, *corporalem possessionem liberè ingredi valeant & eam licitè retinere,* ipsiusque fructus et proventus sibi et successoribus suis ad usus præmissos imperpetuum convertendos, salva in omnibus jure Episcopali, auctoritate, et dignitate Winton. Ecclesiæ: Ita tamen quod eidem Ecclesiæ per idoneum Vicarium nobis præsentandum honeste deserviatur juxta formam superius annotatam. *In cujus rei testimonium præsentes literas nostras eisdem Religiosis fieri fecimus patentes sigilli nostri impressione munitas. Actum & datum apud* Essere *primo die* Aprilis, *Anno Domini* 1292. *Consecrationis verò nostræ decimo.* Nos autem concessionem prædictam ratam habentes et gratam, eam pro nobis et hæredibus nostris, quantum in nobis est, prædictis Abbati et Conventui, et successoribus suis, concedimus et confirmamus, sicut literæ prædictæ rationabiliter testantur. In cujus, &c. Teste Rege apud *Berewik* super *Twed.* 8 die *Junii.*

King

King *Henry* the 3. having granted the Tithe of his rent called *Chaumpard* in the Isle of *Gerneſey*, to the Chappel of St. *Mary* in *Orguil* Caſtle there, (where I was once a Priſoner by ſome Prelates malice) to maintain a Chaplain to ſay divine ſervice every day for his ſoul, and the ſouls of his predeceſſors and heirs, K. *Edward* ratified it by this Patent to the ſaid Chaplain and his ſucceſſors. *An.* 20 E. 1.

Pat. 20 E. 1. m. 12. Pro quodam Capellano divina celebrante in Capella beatæ Mariæ de Orguil in Inſula de Gerneſeye.

REX Ballivis ſuis & omnibus tenentibus Inſularum de *Gerneſeye* & *Gereſeye*, ſalutem. Cum bonæ memoriæ Dominus *H.* quondam Rex *Angl.* pater noſter, intuitu Dei, & ob reverentiam beatæ Virginis *Mariæ*, & pro ſalute animæ ſuæ, & animarum anteceſſorum & hæredum ſuorum, per Cartam ſuam dederit & conceſſerit ad ſuſtentacionem cujuſdam Capellani divina celebrantis ſingulis diebus in Capella beatæ *Mariæ* de Caſtro de *Orguil* in Inſula de *Gerneſ.* **decimam totius redditus ſui,** qui vocatur *Chaumpard*, in eadem Inſula de *Gerneſeye*; habendum & tenendum imperpetuum, in liberam, puram & perpetuam elemoſinam, prout in Carta prædicta, quam inſpeximus, plenius continetur: Nos dictæ Cartæ tenore conſiderato diligenter, **voluntatem dicti patris noſtri cupientes adimplere, et maxime in hoc caſu,** donacionem & conceſſionem ſuper præmiſſis à dicto patre noſtro factas, ratas habentes & gratas, volumus & per præſentes literas pro nobis & hæredibus noſtris concedimus, **quod Capellanus noſter qui nunc in dicta Capella eſt inſtitutus, et ejus ſucceſſores,** qui per nos, vel hæredes noſtros, vel Ballivos noſtros, vel hæredum noſtrorum de dicta Inſula de *Gerneſeye* in dicta Capella erunt aſſignati, **decimam prædictam totius redditus noſtri, qui dicitur** *Chaumpard*, **in dicta Inſula de** *Gerneſeye*, **habeant et integre percipiant in puram et perpetuam elemoſinam, libere, pacifice et quiete.** In cujus, &c. Teſte Rege apud *Walſingham* 10 die *Maii*.

I finde the Kings Royal licenſe and aſſent to the election only of one Abbeſſe in *Ireland*, recorded in this year.

Pat. 20 E. 1. m 12. De licentia eligendi, & poteſtate data adhibendi aſſenſum electioni, & temporalia reſtituendi in Hibernia.

REX dilecto & fideli ſuo *Willielmo de Veſcy* Juſtic. ſuo *Hibern.* ſalutem. Cum dilecti nobis in Chriſto Abbatiſſa & Conventus beatæ *Mariæ* de *Bello Portu* juxta *Waterford.* nobis per literas ſuas patentes ſignificaverint, quod Eccleſia ſua prædicta per mortem *Matil. Comyn* nuper Abbatiſſæ ejuſdem loci, paſtoris ſit ſolatio deſtituta, ſupplicantes nobis, prout moris eſt, **quod licentiam ſibi aliam eligendi in Abbatiſſam eisdem concedere dignaremur**; ac nos precibus eorundem Abbatiſſæ & Conventus in hac parte favorabiliter inclinati, **licentiam illam eis duximus concedendam**; mandantes quod talem, &c. Nos eorundem Abbatiſſæ & Conventus laboribus & expenſis in hac parte parcere volentes, iſta vice conceſſimus eis, &c. Acceptis tamen ſecuritate, &c. *ſine data.*

What *Engliſh* Biſhops were elected, confirmed, and reſtored to their Temporalties this year by the Kings Royal licenſe and aſſent, theſe Patents and Writs will beſt inform us.

Pat. 20 E. 1. m. 12. De aſſenſu adhibito electioni. *See Godwins Catalogue, p. 540.

REX **electioni nuper factæ** in Eccleſia Cathedrali *Karl.* de fratre * *Johanne de Halghton* Canonico ejuſdem domus in Epiſcopum loci illius, **Regium aſſenſum adhibuit et favorem.** Et mandatum eſt Magiſtro *Johanni de Cranemb* Archid. *Eſtriding.* venerabilis patris *J.* Archiepiſcopi *Ebor. Angl.* Primatis, ipſo Archiepiſcopo in partibus tranſmarinis agente Vicario generali, ut quod ſuum eſt in hac parte exequatur. Teſte Rege apud *Derlington* 26 die *Maii*. Who confirming his election, the King reſtored his Temporalties by a Writ to his Eſtheator; *Teſte Rege apud* Berewyk *ſuper* Twed. 18 die *Julii*. Ibid. m. 10.

Pat. 20 E. 1. m. 19. Pro electo Exon. de temporalibus reſtituendis. *See Godwins Catalogue, p. 329.

REX dilecto Clerico ſuo *Malculmo de Harle* Eſcaetori ſuo citra *Trentam*, ſalutem. Cum venerabilis pater *J. Cantuarienſis* Archiepiſcopus electionem nuper factam in Eccleſia Cathedrali beati *Petri Exon.* de venerabili viro Magiſtro * *Thoma de Bitton* Decano *Wellenſi* in Epiſcopum loci prædicti, **cui Regium aſſenſum prius adhibuimus et favorem, confirmaverit,** ſicut per literas patentes ipſius Archiepiſcopi nobis inde directas accepimus: **Nos confirmationem illam acceptantes recepimus fidelitatem ipſius Electi,** & Temporalia Epiſcopatus prædicti, prout moris eſt, reſtituimus eidem. Et ideo vobis mandamus, quod Temporalia ejuſdem

An. 20 E. 1. Episcopatus eidem Electo restituatis, sicut prædictum est. Teste Rege apud *London.* 2 die *Novembris.*

Et mandatum est Militibus, &c. Teste ut supra.

Pat. 20 E. 1. m. 27. De Temporalibus Sarum restitutis.

* See Godwins Catalogue, p. 279, 280.

REX *Radulpho de Berners*, salutem. Cum venerabilis pater *J. Cantuar.* Archiepiscopus, totius *Angliæ* Primas, electionem nuper celebratam in Ecclesia Cathedrali *Sarum* de discreto viro * *Nicholao Longespeye* dictæ Ecclesiæ Thesaurario in Episcopum ejusdem loci, **cui prius Regium assensum adhibuimus et favorem, confirmaverit,** sicut per literas patentes ipsius Archiepiscopi nobis inde directas nobis constat. **Nos confirmationem illam acceptantes, cepimus fidelitatem ipsius Electi,** & Temporalia Episcopatus illius, prout moris est, restituimus eidem. Et ideo vobis mandamus, quod eidem *Nicholao* Temporalia Episcopatus illius restituatis, sicut prædictum est. Teste Rege apud *Cantuar.* 16 die *Decembris.*

Et mandatum est Militibus, &c. Teste ut supra.

The Pope granting the King a Disme in *Ireland* for relief of the Holy Land, and appointing who should collect it, he issued this Patent for their assistance therein to all his Bayliffs and Subjects in *Ireland.*

Pat. 20 E. 1. m. 10. De Decima colligenda in Hibern.

REX Vicecomitibus & omnibus aliis Ballivis & fidelibus suis in *Hibern.* ad quos, &c. salutem. **Cum Summus Pontifex venerabiles patres** *Th. Midensem* & —— *Kildarensem* **Episcopos, per literas suas bullatas deputaverit ad Decimam in terra prædicta nobis in subsidium Terræ Sanctæ concessam colligendam,** prout in eisdem literis plenius continetur; Vobis mandamus, **quod eisdem Episcopis ad eandem Decimam colligendam, sitis consulentes et auxiliantes quoties ab eisdem Episcopis vel eorum altero ex parte nostra super hoc fueritis requisiti.** In cujus, &c. Teste Rege apud *Waverle* 12 die *Februarii.*

The King in the Prologue of his Patent this year on the behalf of the Abbot and Covent of St. *Edmunds*, thus expresseth his Royal Office and care to maintain Churches in their Ecclesiastical as well as Temporal Liberties, and to redresse their violations.

Pat. 20 E. 1. m. 22. Pro Abbate & Conventu de S. Edmundo.

REX omnibus ad quos, &c. salutem. **Cum nos Ecclesias ac Ecclesiasticas Libertates,** & maximè illas quæ de nostris & progenitorum nostrorum quondam Regum *Angl.* elemosinis sunt fundatæ, **manutenere volumus et defendere, ut tenemur:** Ac quidam salutis suæ immemores in Villa Sancti *Edmundi*, assumptis secum quibusdam fautoribus suis, nuper in nostri & Abbatis Sancti *Edmundi*, cujus Ecclesia de hujusmodi elemosinis est fundata, & in elusionem libertatis ejusdem Ecclesiæ à tempore fundationis ejusdem optentæ & hactenus usitatæ, necnon & dignitatis & pacis nostræ læsionem manifestam, quamplures injurias & transgressiones enormes eidem Abbati & Ecclesiæ suæ prædictæ intulerint, ut accepimus. Nos super hoc **sicut nobis incumbit remedium providere, et libertates** à nobis & progenitoribus nostris **dictæ Ecclesiæ sic concessas et usitatas, tanquam patronus ejusdem Ecclesiæ illibatas conservare volentes:** Ad instantiam prædicti Abbatis, & de consilio nostro assignavimus dilectos & fideles nostros *Johannem de Met, Willielmum de Giselham*, & *Hugonem de Crossingham*, vel duos ex ipsis quos præsentes esse contigerit, ad inquirendum per sacramentum proborum & legalium hominum per quos, &c. super injuriis & transgres. prædictis plenius veritatem, & ad plenam & celerem justiciam eidem Abbati inde exhibendam, secundum legem & consuetudinem regni nostri. Nolentes quod aliquid per istud factum eidem Abbati & successoribus suis **cedat in præjudicium vel læsionem libertatum Ecclesiæ memoratæ.** In cujus, &c. Teste Rege apud *Westm.* 2 die *Februarii.*

King *Edward* this year by his Soveraign authority, commanded the heart of his Father King *Henry* the 3d. to be delivered to the Abbesse of *Fonteveroit*, to be interred in that Nunnery, according to his promise in his life time; which the Abbot of *Westminster* accordingly delivered to her 20 years after his decease, in the presence of sundry Bishops, Nobles, and others, by the Kings command, as this Patent attests.

REX

An. 20 *E.* 1.

Pat. 20 E. 1. m. 20 De corde Regis Henrici liberato Abbatiſſæ Fontis Ebroldi ad ſepeliendum in Monaſterio ſuo.

REX omnibus ad quos, &c. ſalutem. Quia pro certo intelleximus, quod celebris memoriæ Dominus *H.* quondam Rex *Angliæ* pater noſter ipſo dudum exiſtente apud Monaſterium *Fontis Ebraldi*, cor ſuum poſt ejus deceſſum eidem Monaſterio promiſit, & dilecta nobis in Chriſto Abbatiſſa Monaſterii prædicti nuper in *Anglia* accedens, cor illud ſibi juxta promiſſionem prædictam petiit liberari, dilectus nobis in Chriſto *Walterus* Abbas *Weſtmonaſterii* cor prædictum integrum in præſencia venerabilium patrum *A. Dunolm.* & *R. Bathon.* & *Wellen.* Epiſcoporum, & dilectorum & fidelium noſtrorum *Edmundi* fratris noſtri, & *Willielmi de Valencia* Avunculi noſtri, & aliorum fidelium noſtrorum plurimorum, die *Lunæ* proxima ante feſtum beatæ *Luciæ* Virginis anno Regni noſtri viceſimo in Eccleſia *Weſtmonaſterii* prædictæ Abbatiſſæ de voluntate et præcepto noſtro liberavit, ad prædictum Monaſterium *Fontis Ebraldi* deferend. et ſepeliendum in eodem. In cujus, &c. Teſte Rege apud *London:* 3. die *Decemb.*

What inrodes, encroachments the Biſhops, Clergymen, and their Officials this year made upon the Kings Crown, prerogative Royal, and Temporal Courts of Juſtice, by holding Pleas of Chattels and Debts which concerned not Marriage and Teſtament, and likewiſe of Advowſons and Freeholds, againſt the Kings Prohibitions to them; how contemptuouſly they proceeded to excommunicate thoſe who delivered the Kings prohibitions to them, to reſtrain their encroachments, and to impriſon them by *Capias Excommunicatums*, notwithſtanding the Kings Prohibitions; and how zealous the King, his Judges, Subjects were to oppoſe theſe their encroachments, uſurpations, and contempts againſt the Kings Crown, Dignity, Courts Prohibitions, and his Subjects liberties, will appear by theſe inſuing Writs, actions, ſuits againſt them both by the parties grieved, and by the King himſelf, (the Originals and returns whereof, endorſed on them, I reſcued out of the rubbiſh in the *White Tower Chappel,*) and by the Plea Rolls Anno 20 E. 1. which I ſhall here preſent you with.

Brevia Regis An. 20 E. 1. in Turre London. Holm.

EDwardus *Dei gratia Rex* Angliæ, *Dominus* Hiberniæ, *& Dux* Aquitaniæ, *Vic.* Linc. *ſalutem. Pone per vadium & ſalvos Plegios* Oliverum *Epiſcopum* Linc. *quod ſit coram Juſticiariis noſtris apud* Weſtm. *à die Sancti* Hillarii *in xv. dies, & ibi habeat* R. *Vicarium Eccleſiæ de* Wycham *Clericum ſuum,* ad reſpondendum Nobis de placito, Quare cum Placita de Catallis et Debitis quæ non ſunt de Teſtamento bel Matrimonio ad Nos et ad dignitatem noſtram, et non ad alium in regno noſtro pertineant; *Idem* Richardus *(ſicut ex relatu plurimorum accepimus)* ſecutus eſt placitum in Curia Chriſtianitatis de catallis et debitis Richardi de Witham *Clerici*, quæ non ſunt de Teſtamento bel Matrimonio, in læſionem dignitatis noſtræ, et contra Prohibitionem noſtram, *ut dicitur. Et ad oſtendendum*, quare non habuit prædictum Richardum *Vicarium Eccleſiæ de* VVycham *Clericum ſuum coram Juſticiariis noſtris apud* Weſtm. *à die Sancti* Michaelis *in xv. dies ſicut ſibi mandatum fuit; et habeas ibi nomina plegiorum & hoc breve. Teſte* J. de Metingham *apud* Weſtm. 10 *die* Novembr. *Anno Regni noſtri viceſimo*; who put in Pledges, endorſed on the Writ.

Brevia Regis Anno 20 E. 1. in Turre London.

EDwardus *Dei gratia Rex* Angliæ, *&c. Vic.* Devon. *ſalutem. Monſtravit nobis* Robertus de Morkeſel, *quod cum Magiſter* Petrus de Inſula *Archidiaconus* Exon. *in Curia noſtra coram Juſticiariis noſtris apud* Weſtm. *à die Sanctæ* Trinitatis *in* 15. *dies proximo præterit.* attachiatus eſſet, *ad reſpondend. eidem* Roberto *de placito*, quare tenuit placitum in Curia Chriſtianitatis de quodam Jubenco ipſius Roberti quod non eſt de Teſtamento bel Matrimonio contra Prohibitionem noſtram, quam idem Robertus prius ei porrexerat, ne prædictum placitum in prædicta Curia teneret. *Ac idem Magiſter* Petrus *ad diem illam in præfata Curia noſtra comparuiſſet & vadiaſſet eidem* Roberto *inde legem ſuam, prout moris eſt in eadem Curia noſtra*, quod placitum illum non tenuit in prædicta Curia Chriſtianitatis, *& tamen ei ad eundem* R. *diem feciſſet: & poſtea* in eadem Curia noſtra inhibitum eſſet prædicto Magiſtro Petro ne occaſione proſecutionis prædicti placiti prædicto Roberto aliquam inferret moleſtiam; idem Magiſter Petrus * eo gravius et moleſtius placitum illud ulterius

* *Nota.*

An. 20. *E.* 1. ulterius tenuit in eadem Curia Christianitatis quousque sententia in ipsum Robertum promulgata, ipsum excommunicabit, et per totam Archidiaconatum prædictam publice excommunicare fecit: et postea breve nostrum de ipso Roberto sic excommunicato, tanquam claves Ecclesiæ contemnente capiendo, jam tibi porrexit, *ut dicitur*, in Coronæ et Dignitatis nostræ læsionem manifestam, Curiæ nostræ prædictæ contemptum, et prædicti Roberti dispendium non modicum et grabamen; prout ex gravissima ipsius Roberti querela accepimus. Et quia tanta contemptum et inobedientiam (*si commissa fuerint*) relinquere nolumus impunita; *tibi præcipimus, quod si prædictus* Robertus *fecerit te securum de Clamore suo prosequendo, tunc pone per vadium & salvos plegios prædictum Magistrum* Petrum, *quod sit coram Justiciariis nostris apud* VVestm. *à die Sancti* Hillarii *in* 15. *dies*, ad respondendum tam Nobis de prædictis contemptu et inobedientia, *quàm prædicto* Roberto *de transgressione prædicta. Præcipimus etiam tibi, quod si tibi constare possit, quod prædictus* Robertus ea occasione et non alia excommunicatus sit, tunc ab ipso Roberto capiendo per aliquod breve nostrum per prædictum Magistrum Petrum impetratum penitus desistas, et ipsum Robertum interim pacem nostram habere permittas; *& habeas ibi nomina plegiorum & hoc breve. Teste* J. de Metingham *apud* Westm. 18 *die* Novembris. *Anno regni nostri vicesimo.* The Sheriff returning, *Magister* Petrus de Insula *Clericus est, & non habet Laicum feodum per quod possit attachiari.* Thereupon a new Writ in like form issued to the Bishop of *Exeter*, to cause him to appear.

A Writ of the same nature, with some diversity, issued this year in another case to the Sheriffs of *London* for the like contempt and vexation.

Brevia Regis An. 20 E. 1. in Turre London.

EDwardus, &c. *Vicecomitibus* London. *salutem. Monstravit nobis* Adam Payn, *quod cum Magister* Simon de la Neylond *et* Hermannus le Somenar. *in Curia nostra coram Justic. nostris apud* VVestm. *in* Octabis *Sancti* Johannis Baptistæ *prox. præterit. attach. essent ad respondend. eidem* Adæ *de placito, quare prædict. Magist.* Simon. tenuit placitum in Curia Christianitatis de quodam debito unius Marcæ, *quàm prædictus* Hermannus *coram eodem Magistro* Simone *exigebat*, quæ non est de Testamento vel Matrimonio: et de placito, quare prædictus Hermannus secutus fuit dictum placitum in eadem Curia Christian. contra prohibitiones nostras, quas idem Adam prius eis porrexerat, ne prædictus Magister Simon. placitum illud in eadem Curia Christianitatis ulterius teneret; nec prædictus Hermannus idem placitum in eadem Curia sequeretur, *ac iidem Magister* Simon & Hermannus *ad diem illum venissent in prefata Curia nostra coram prefatis Justiciariis nostris apud* VVestm. *& defendissent contra prædictum* Adam *et Sectam suam, quòd prædictus Magister* Simon non tenuit placitum prædictum, nec prædict. Hermannus secutus fuit in prædicta Curia Christianitatis, *et vadiassent eidem* Adæ *inde leges suas, & habuissent diem veniendi cum legibus ejus coram Justiciariis nostris apud* Westm. *in Octabis Sancti* Martini *proximo futuris; prefatus Magister* Simon *pendente inde inter eos in prædicta Curia nostra prefato Placito*, prædictum placitum nichilominus ulterius tenuit in prædicta Curia Christianitatis; *et similiter prefatus* Hermannus idem placitum in eadem Curia ulterius secutus est, *quousque prædictus Magister* Simon, sententia in ipsum Adam promulgata ad sectam prædicti Hermanni, ipsum excommunicabit, et per totam Archidiaconatum London. publice excommunicare fecit; et postea Breve nostrum de ipso Adam sic excommunicato, tanquam claves Ecclesiæ contempnente, capiendo, jam vobis porrexerunt, *ut dicitur*, in Coronæ et Dignitatis nostræ læsionem manifestam, Curiæ nostræ prædictæ contemptum, et prædicti Adæ dispendium non modicum et grabamen; *prout ex gravi querela ipsius* Adæ *accepimus.* Et quia tanta contemptum et inobedientiam (*si commissa fuerint*) relinquere nolumus impunita; *vobis præcipimus quod si prædictus* Adam *fecerit vos securum de clamore suo pros. tunc pone per vadium et salvos pleg. prædictos Magistrum* Simonem *et* Hermannum, *quod sint coram Justic. nostris apud* VVestm. *in* Octab. *Sancti* Michaelis, *ad respondendum* tam nobis de prædictis contemptu et inobedientia, quam prædicto Adæ *de transgressione prædicta: Præcipimus etiam vobis, quod si vobis constare poterit*, quod prædictus Adam occasione prædicta et non alia excommunicatus sit, tunc ab ipso Adam capiendo per aliquod Breve nostrum ea occasione per prædictos Magistr.

Simonem

Simonem & Hermannum impetratum ſeu impetrandum penitus deſiſtatis, et ipſum Adam interim pacem noſtram habere permittatis. *Et habeatis ibi nomina pleg. & hoc Breve. Teſte* J. de Metingham *apud* Weſtm. 14 *die* Julii, *Anno regni noſtri viceſimo.* The like Writ of *alias* iſſued to the ſame Sheriffs between the ſame parties 10 *die* Novembris, the ſame year. *An.* 20 *E.* 1.

EDwardus *Dei gratia Rex* Angliæ, &c. *Vic.* Wiltes. *ſalutem. Si* Robertus de Horſinton *fecerit te ſecurum de Clam. ſuo proſeq. tunc pone per vadium & ſalvos plegios* Eudonem *perſonam Eccleſiæ de* Sturton, *quod ſit coram Juſticiariis noſtris apud* Weſtm. *in* Octabis *Sancti* Michaelis, *oſtenſurus*, quare tenuit placitum in Curia Chriſtianitatis de Catallis et Debitis, quæ non ſunt de Teſtamento vel Matrimonio, contra prohibitionem noſtram. *Et habeas ibi nomina pleg. & hoc Breve. Teſte meipſo apud* Berewyk *ſuper* Twedam 7. *die* Julii, *Anno regni noſtri viceſimo.* Brevia Regis in Turre London, An. 20 E. 1.

The like VVrits at large iſſued the ſame year, *Vic.* Somerſ. for Agnes de Siderneſen. *contra* Willielm. *Vicar.* Eccleſiæ de *Wynesford Defend. ad reſpond. apud* Weſtm. *in* Octab. *Sancti* Michaelis, quare ſecutus eſt *(conſimile)* placitum, &c. *Teſte (ut ſupra)* 18 *die* Junii. *Vic.* Kantiæ, for Alanus de Hulles, *contr. Magiſt.* Lucam de Brey, *& Magiſt.* Willielmum de Halyngberg, quare tenuerunt *(conſimile)* placitum, &c. *Teſte meipſo apud* Roubing. 23. *die* Julii. With another Writ between the ſaid parties, 30. *die* Auguſti: *Vic.* Kantiæ, for Michael de Northflete *contra fratrem* Nicholaum *Præcentorem Eccleſiæ de* Bernewell, quare tenuit placitum, &c. *Et Magiſtrum* Richardum de Hecham *perſonam Eccleſiæ de* Northflete, quare ſecutus eſt idem placitum in Curia Chriſtianitatis de bonis et catallis quæ non ſunt, &c. contra prohibitionem, &c. *Teſte meipſo apud* Spalding, 15 *die* Maii. *Vic.* Hereford. for Mabill. de la Bedeon, *verſus fratrem* Willielmum de Paris, quare tenuit *(conſimile)* placitum, & Willielmum *Vicarium Eccleſiæ Sancti* Stephani *extra villam Sancti* Albani, quare ſecutus eſt idem placitum. *Teſte apud* Farendon 28 *die* Febr. *Vicecomitibus* London. for Andræas de Furmager, *verſus Magiſt.* Simon de Neulond *& Magiſt.* Johannem de Maerhale, quare ſecuti ſunt *(conſimile)* placitum. *Teſte, &c. apud* Hereford. 2. *die* Novembr. *Vicecomiti* Buks, *ſalutem. Si* Robertus le Dun *de parva* Brikhull *fecerit te ſecurum, &c. tunc pone, &c.* Willielmum *perſonam Eccleſiæ de parva* Brikhulle, Willielmum le Clerk de Marcle, & Robertum *Vicarium Eccleſiæ de* Ugliene, *quod ſint, &c.* Oſtenſuri, quare ſecuti ſunt placitum in Curia Chriſtianitatis de Catallis et Debitis quæ non ſunt de Teſtamento vel Matrimonio, contra prohibitionem noſtram, *&c. Teſte meipſo apud* Grenewiche, 13. *die* Decemb. *Anno regni noſtri viceſimo.*

Breve conſimile dirigitur Vicecomiti Buk. *pro* Johanne de Prydynton *contra* Willielmum *Vicarium Eccleſiæ de parva* Brykhill. Willielmum le Clerk de Marcle, & Robertum *Vicarium Eccleſiæ de* Vgliene, *Dat. ut ſupra.* Ibidem.

EDwardus, &c. *Vicecomiti* Wiltes. *ſalutem. Præcipimus tibi quod diſtringas Magiſtrum* Radulphum de Brickwell *per omnes terras & catalla ſua: Ita quod nec ipſe, nec aliquis per ipſum, ad ea manum apponat, donec aliud à nobis inde habueritis præceptum. Et quod habeas corpus ejus coram Juſtic. noſtris apud* Weſtm. *in* Octabis *Sancti* Hillarii, *ad reſpondendum* Petro *filio* Garino *de placito*, quare tenuit placitum in Curia Chriſtianitatis de catallis et debitis quæ non ſunt de Teſtamento vel Matrimonio, contra prohibitionem noſtram, *ut dicit. Et ad audiendum judicium ſuum de pluribus defaltis. Et habeas ibi hoc breve. Teſte* J. de Metingham *apud* Weſtm. *tertio die* Novembris, *Anno regni noſtri* 20. Ibidem.

EDwardus, &c. Venerabili in Chriſto Patri *G.* eadem gratia Epiſcopo *Ciceſtr.* ſalutem. *Mandamus vobis, quod venire faciatis coram Juſtic. noſtris apud* Weſtm. *in* Octabis *Sancti* Michaelis Thomam de Burn, & Stephanum *perſonam Eccleſiæ de* Yuhurſt *Clericos veſtros, ad reſpondendum* Simoni de Baroun *de placito* quare prædictus Thomas tenuit placitum in Curia Chriſtianitatis de catallis et debitis quæ non ſunt de Teſtamento vel Matrimonio contra prohibitionem noſtram, *ut dicit. Et unde Vic. noſter* Suſſex *mandavit Juſtic. noſtris apud* Weſtm. *à die* Paſchæ *in quindecim dies, quod prædictus Magiſter* Thomas & Stephanus *Clerici ſunt, & non habent* Ibidem.

An. 20 E. 1. *habent Laicum feodum in balliva sua. per quod possunt attachiari. Et habeas ibi hoc Breve. Teste* J. de Metingham *apud* Westm. 28 *die* April. *Anno regni nostri vicesimo*; who indorsed this return, *Bona Ecclesiastica* Thomæ de Burn, & Stephani *Personæ Ecclesiæ de* Yulhurst *sequestrata sunt, quod sint coram Justiciariis apud* Westm. *die in brevi contento*; but they not appearing, there issued a New Writ *Vic.* Sussex, *Pone per vadiis & salvos plegios* Episcopus Cicestriæ, *quod sit coram Justiciariis nostris apud* Westm: *Et ibi habeat* Thomam de Burne & Stephanum, *&c.* Clericos suos ad respondend. Simoni Baron. *de placito prædicto. Teste* J. de Metingham *apud* Westm. 14 *die* Octobris, *Anno regni nostri* 20. The like Writ issued *Episcopo* Lincoln. *quod venire faciat,* &c. Simonem *personam Ecclesiæ de* Hegeling, & Philippum *Vicarium Ecclesiæ de* Clee *Clericos suos, ad respondend.* Henrico de Hoke, quare tenuerunt placitum, &c. *Teste* J. de Metingham 27 *die* Octobr. *Anno regni nostri* 20. Another Writ issued *Episcopo* Sarum, *quod venire faciat* Radulphum de Brightwell *Clericum suum, &c. ad respondendum* Petro *filio* Warini quare secutus fuit placitum in Curia Christianitatis de catallis et debitis, &c. *Teste* J. de Metingham *apud* Westm. 3 *die* Novembr. *An. regni nostri* 20.

Moreover in the Plea Rolls in the Tower, *Paschæ* 20 E. 1. I finde these suits upon Attachments for suing and holding Pleas in Court Christian of Debts, Chattels which concerned not Testaments or Mariage, and of Advousons of Churches.

* Placita Termin. Trin. 20 E. 1. in Turre Lond. Rot. 76.

* Juliana *quæ fuit uxor* Roberti de Hill *per attornatum suum optulit se* 4. *die versus Magistrum* Willielmum ——— & Willielmum *Abbatem de* Malmesbury *de placito,* quare prædictus Magister Willielmus tenuit placitum in Curia Christianitatis de catallis vel debitis quæ non sunt de Testamento vel Matrimonio, contra prohibitionem, &c.

Ibid. Rot. 155. Suffex.

Willielmus de Schelond & Robertus de Cherleheld *per attornatum suum optulerunt se* 4. *die versus* Ricardum le ——— *de placito,* quare secutus est placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Matrimonio, contra prohibitionem, &c. Et ipse non venit, &c.

Placita Term. Pasch 20 E. 1. Rot. 21. in Turre Lond.

——— *Essoniator* Nicholai Burdet, *optulit se* 4. *die versus Magistrum* Petrum de Sannary, & *Magistrum* Willielmum de Sarden, & Robertum *filium* Alani de Westrington, *de placito,* quare prædicti Petrus *et* Willielmus tenuerunt placitum in Curia Christianitatis de advocatione Ecclesiæ de Rande contra prohibitionem: Et de placito, quare prædictus Robertus secutus fuit idem placitum in eadem Curia contra prohibitionem, &c. *Et ipsi non venerunt,* & Robertus *fuit attachiatus per,* &c. *Ideo ipsi in misericordia,* &c.

Ibidem, Rot. 23.

Præceptum fuit Vicecomiti, quod de terris et catallis Magistri Adæ de Bodyndon *in balliva sua fieri faceret Centum solidos, et illis haberet hic ad hunc diem ad reddendum* Roberto de Okenore, *et* Aliciæ *uxori ejus*, qui eis in Curia Regis hic adjudicati fuerunt pro dampnis suis quæ habuerunt, ratione quod prædictus Adam secutus est placitum in Curia Christianitatis, de advocatione terciæ partis Ecclesiæ de Freketon, contra prohibitionem, &c. *prout per quandam Juratam inter eos summonitam et captam convictum fuit, &c.*

As these parties injured, so likewise the King himself then prosecuted such who held or pursued such suites in Court Christian belonging only to him and his Courts, against his Crown and Dignity, as these Writs and Records inform us.

Brevia Regis An. 20 E 1. in Turre London

EDwardus, &c. *Vicecomitibus* London *salutem: Pozite per vadium, &c.* Johannem de Wydehull *personam Ecclesiæ de* Warlingham, *Magistrum* Petrum de la Done, *Magistr.* Lucam *de* Sancto Leonardo, & *Magistrum* Rogerum de Radenhale, *quod sint coram Justiciariis nostris apud* Westm. *in Octubis Sancti* Hillarii, *ostensuri,* quare cum placita de catallis et debitis in regno nostro quæ non sunt de testamento vel matrimonio, ad nos et ad coronam et dignitatem nostram, et non ad alium pertineant in regno nostro, iidem Johannes, Petrus, Lucas & Rogerus, *sicut ex relatu plurium accepimus*, secuti sunt placitum in Curia Christianitatis de catallis et debitis Priozis de Bermondesey quæ non sunt de Testamento vel Matrimonio,

monio, in læsionem Coronæ et dignitatis nostræ, et contra prohibitionem nostram, *&c. Teste meipso apud* Westm. *primo die* Jan. *Anno regni nostri* 20. *An.* 20 *E.* 1.

Johannes, &c. *attachiatus fuit ad respondendum* Domino Regi *de placito*, quare cum placita de catallis et debitis quæ non sunt de Testamento vel Matrimonio, ad ipsum Regem et coronam et dignitatem suam, et non ad alium in Regno suo pertineant: *Idem* Johannes (*sicut ex relatu plurium accepimus*) secutus est placitum in Curia Christianitatis de catallis et debitis Walteri de Blicketon *Clerici*, quæ non sunt de Testamento vel Matrimonio, in læsionem coronæ et dignitatis Regis, et contra prohibitionem, &c. *Et unde Dominus Rex, per* Willielmum Inge, qui sequitur pro Domino Rege, *dicit, quod cum prædictus* Johannes *sequeretur in Curia Christianitatis* coram Magistro Roberto de Pykeringe Officiali Episcopi Eborum de ——— Constanc. de Donington Executoris Testamenti Walteri de Bicketon, de catallis et debitis ipsius Walteri quæ non sunt de Testamento vel Matrimonio, petendo ab eis viginti libras ex causa mutui: Ac quidam Alanus Manoyng Regiam prohibitionem eidem Johanni detulisset, &c. in majori Ecclesia Sancti Petri Eborum ne prædictum placitum sequerent, &c. Idem Johannes spreta prohibitione prædicta nichilominus secutus est prædictum placitum in Curia Christianitatis coram præfato Officiali, quousque prædicti executores per ipsum ab ingressu Ecclesiæ fuerunt suspensi, &c. in læsionem dignitatis et coronæ nostræ, &c. Et inde producit sectam, &c. Placita Term. Pasch. An. 20 E. 1. Rot. 42.

I finde another suit brought by the Abbot of *Battle*, for 40 *s.* lent by his predecessor to *Winardus Manse* in the Court of *Rome*, to dispatch his businesse there.

Winardus Manse *summonitus fuit ad respondendum Abbati* de Bello *de placito, quod reddat ei quadraginta solidos quos ei debet & detinet*, &c. *Et ipse non venit; unde queritur, quod cum prædictus* Winardus *die proxima post festum S.* Dionysii, *anno regni Domini Regis nunc quinto*, in Curia Romana apud Lugdun. mutuavit a quodam Abbate de Bello *prædecessore nunc Abbatis quadraginta solidos*, pro negotiis prædicti Winardi in prædicta Curia promovendis et expediendis, solvend. eidem antecessori, &c. *ad festum* Purificationis *beatæ* Mariæ *proximo sequens in* Anglia *apud Abbatiam de* Bataile, *prædictus* Winardus *ad terminum prædictum prædicto Abbati eosdem solidos non solvit. Et licet sæpius per Abbatem nunc requisitus esset prædictam pecuniam solvend. illam solvere contradicit; unde dicit, quod deterioratus est & dampnum habet ad valenciam quadraginta solidorum: et inde producit sectam; & profert quoddam scriptum sub nomine ipsius* VVinardi *factum apud* Lugdun. *quod prædictum debitum testatur solvendum in* Anglia, &c. *Et* VVinardus *per attornatum suum venit & defendit vim & injuriam quando, &c. Et dicit, quod non debet de aliquo debito respondere. Dicit enim quod ipse Abbas petit prædictam pecuniam tanquam sibi ipsi debitam, & per narrationem suam dicit mutuatam fuisse de quodam Abbate prædecessore suo, per quod sibi videtur quod illud verbum in brevi contentum Abbati qui nunc est deservire non potest. Immo de injustè detinet tantùm, & petit judicium de breve. Preterea, prædictus* VVinardus *non recedens ab ipsa exceptione, immò ea sibi salva dicit, quod per prædictum scriptum etiam patet,* quod prædictus contractus factus fuit apud Lugdun. *super* Romam extra Regnum Angliæ, super quo contractu Curia cognoscere non potest, si ipse VVinardus contractum dedicere voluerit. *Et petit judicium, &c.* Placita Anno 20 E. 1. Rot. 96. Suff.

In the same Plea Roll I met with this Notable case concerning an intrusion of an Abbot into a Church during the Minority of an heir, the Kings Courts rejection of two Certificates of a Plenarty or Vacancy of the Church by the Bishop against the usual form; an Inhibition procured by the Defendant to the Bishop not to certifie, with a Verdict and Judgement thereupon in an *Assise of Darraign presentments* brought by a Guardian, which suit depended sundry years.

Assisa alias coram *Thoma* de *Weylond* & sociis suis Justiciariis hic, scilicet in Octabis Sanctæ *Trinitatis* anno regni Domini Regis nunc decimo septimo, venit recognitura, quis advocatus tempore pacis præsentavit ultimam personam quæ mortua est ad Ecclesiam de *Chetelton*, quæ vacat, & cujus advocationem *Nicholaus* de *Aldingley* custos terræ & hæredis *Ricardi* filii *Henrici* de *Chetelton* clamat versus Abbatem de Ibid. Rot. 165 Staff.

An. 20 *E.* 1. de *Deulacres*, ratione disseisinæ prædictæ, &c. Et unde idem Custos dixit, quod quidam *Robertus de Chetelton* antecessor prædicti hæredis tempore pacis tempore 7. Regis nunc præsentavit quendam *Petrum* Clericum suum ad prædictam Ecclesiam, qui ad præsentacionem suam fuit admissus & institutus, & ultimo obiit persona in eadem, per cujus mortem prædicta Ecclesia tunc vacavit, & adhuc vacat, &c. Et de ipso *Roberto* descendit jus præsentacionis *Willielmo* ut filio & hæredi. Et de ipso *Willielmo* quia obiit sine hærede de se, descendit jus præsentacionis, &c. cuidam *Hugoni* ut fratri & hæredi; & de prædicto *Hugone* descendit jus præsentacionis, &c. cuidam *Roberto* ut filio & hæredi, qui fuit infra ætatem & adhuc est.

Abbas tunc venit & dixit, quod non debuit ei inde ad hoc breve respondere, quia dixit, quod prædicta Ecclesia non vacavit, immo est plena et consulta de ipso Abbate et Conventu suo qui eam tenent in proprios usus, et tenuerunt jam quadrag. annis elapsis. Et hoc parati sumus verificare, sicut Curia consideraverit. Et ad verificationem, Justiciariis protulit quandam Cartam sub nomine cujusdam *Hugonis* antecessoris (*Richardi*) quæ testatur quod prædictus *Hugo* dedit & concessit Abbati & Conventui de *Deulacres* prædictam advocationem prædictæ Ecclesiæ.

Nicholaus dixit, quod prædictus Abbas non debuit ad aliquam verificationem inde admitti, quia dixit, quod post mortem prædicti *Petri* personæ ultimæ prædictæ Ecclesiæ, Abbas prædecessor prædicti Abbatis de *Deulacres* in prædictam Ecclesiam se intrusit tempore quo prædictus *Willielmus* filius prædicti *Henrici* fuit infra ætatem, & in custodia *Henrici* de *Aldingley*, qui per suam negligenciam permisit prædictum Abbatem intrare prædictam Ecclesiam, unde petit Judicium, si per prædictam intrusionem debeat inde à præsentacione sua impediri, &c.

Abbas dixit sicut prius dixit, quod prædicta Ecclesia plena fuit & consulta de ipso & Conventu suo ut prædictum est; Et hoc paratus est verificare sicut Curia consideraverit, scilicet per Ordinarium ejusdem loci, &c. Postea à die Sancti *Hilarii* in 15 dies anno Regis nunc decimo octavo, venerunt partes; & nichil aliud dixerunt quam quod prius dixerunt. Ideo Abbas & *Nicholaus* si voluerit, habeat breve ad Episcopum *Coventrensem* & *Lychfeldensem*, quod constare faciat Justiciariis hic a die *Paschæ* in quindecim dies, si prædicta Ecclesia sit vacans, vel non? Et si non sit vacans, de quo et ad cujus præsentacionem patis tempore plena fuerit, &c? Ad quem diem Episcopus nichil inde fecit, nec breve misit. Et tunc sicut prius præceptum est Episcopo quod convocatis, &c. diligenter inquiret in forma prædicta; & quid inquisierit constare faciat hic in Octabis Sanctæ *Trinitatis* proximo sequentis per literas, &c. Et Episcopus esset, &c. Ad quem diem misit Episcopus literas suas minus sufficienter factas, eo quod mandavit, *quod prædicta Ecclesia de* Chetelton *de Religiosis præfatis non est plena nec consulta justo titulo, set per eosdem per intrusionem triginta annos & amplius occupata, &c.* Ad quem diem præceptum fuit Episcopo sicut pluries quod convocatis, &c. diligenter inquireret in forma prædicta. Et quid inde inveneret constare faceret hic à die Sancti *Martini* in quindecim dies proximo sequentes, &c. Ad quem diem Episcopus mandavit, *quod prædicti Religiosi de* Deulacres *post mortem cujusdam* Rogeri *quondam personæ prædictæ Ecclesiæ qui obvenciones ejusdem Religiosis concessit tota vita sua pro sustentacione sua habenda in eadem domo, hucusque continuaverunt possessionem ejusdem Ecclesiæ, absque aliquo justo titulo, propter quod idem Episcopus Ecclesiam illam vacantem de jure ac vacuam reputavit.* Et quia idem Episcopus tunc non certificavit Justiciariis hic præcisè, si prædicta Ecclesia sit vacans, vel non? Ideo mandatum fuit ei sicut pluries quod convocatis, &c. diligenter inquireret, & constare faceret Justiciariis hic ad hunc diem expresse & præcisè, si prædicta Ecclesia sit vacua, vel non? Et Episcopus sic fecit, &c. Et modo venit prædictus *Nicholaus*, & similiter prædictus Abbas per Attornatos suos. Et Episcopus super hoc misit literas suas patentes certificatorias quæ testantur, quod cum idem Episcopus esset in exequendo mandatum Domini Regis, (sicut decuit) reverenter, porrecta fuit ei Inhibitio Offic. Curiæ *Cantuariæ* per quendam Monachum prædict. Abbatis, cujus prætextu ulterius non processit hucusque, sed supersedit propter Inhibitionem illam per prædictos Monachos ei deliberatam, &c. Et quia prædictus Abbas allegavit, prædictam Ecclesiam plenam esse & consultam de ipso Abbate & Conventu suo, qui illam tenent in proprios usus; & hoc paratus fuit verificare coram loci Ordinario; Et idem Abbas per prædictam Inhibitionem ipso Episcopo porrectam, prætextu cujus idem Episcopus

ad verificationem prædictam procedere non potuit, liberavit, renuntiando verificationi super vacatione Ecclesiæ prædictæ, quam prius dixit. Considerandum est quod procedatur ad assisam, &c. Et dictum est prædicto Abbati, quod dicat ad verificationem Assisæ si sibi, &c. Et Abbas dicit, quod prædictus hæres nihil Juris clamare potest in prædicta Advocatione, quia dicit, Quod quidam *Hugo* antecessor prædicti hæredis, & per medium cujus, &c. dedit, concessit, & Carta sua confirmavit Deo, & beatæ *Mariæ*, & Abbati & Conventui de *Deulacres*, totum Jus & Clameum quod habuit in Advocatione & Patronatu Ecclesiæ de *Chetelton*; & quod concessit, quod prædicti Abbas & Conventus prædictam Ecclesiam cum omnibus pertinentiis & libertatibus suis habeant & possideant, liberè & quietè, purè & pacificè, sicut ad Ecclesiam suam de *Leks* pertinentem. Et quod ipse & hæredes sui warrantizab. &c. Et profert quandam Cartam sub nomine prædicti *Hugonis*, quæ hoc testatur. Unde petit Judicium, &c. *An.* 20 E. 1.

Et *Nicholaus* petit, quod procedatur ad Assisam, secundum quod prius consideratum; quia dicit, non est suum respondere præfatæ Cartæ, &c. Et prædictus Abbas quæsitus, si prædictus *Robertus* de *Chetelton* antecessor prædicti hæredis ultimo præsentavit, &c. vel non? Dicit, quod ad hoc non vult respondere, &c. Ideo cap. Assisa; sed ponitur in respectum usque à die Sancti *Johannis Baptistæ* in 15. dies, pro defectu recognitionis, quia nullus venit. Ideo Vicecomes habeat corpora, &c.

Postea ad diem illum venerunt partes, & similiter recogn. præfatæ Assisæ. Et eidem Abbati allocatis calumpniis suis versus quamplures Recogn. quæ fuerunt allocandæ, & quæ non per Sacramentum adnihilatæ; processum est ad Assisam, &c.

Juratores dicunt super Sacramentum suum, quod prædictus *Robertus* de *Chetelton*, & antecessor prædicti hæredis cujus, &c. tempore pacis, tempore prædicti Domini *J.* Regis, ultimo præsentavit prædictum *Petrum* Clericum suum, qui ad præsentationem suam fuit admissus & institutus, & ultimò obiit persona in eadem à patrono præsentata. Et quæsiti, quantum temporis lapsum sit post mortem ipsius Petri? *Dicunt*, quod decem anni, et amplius, &c. Et quia convictum est per assisam istam; quod prædictus *Robertus* antecess. hæred. &c. ultimo præsentavit, ut superius patet; Consideratum est, quod prædictus Custos nomine prædicti hæredis recuperet Præsentationem suam ad prædictam Ecclesiam. Et habeat Breve Episcopo *Coventren.* & *Lychfeld.* quod ad præsentacionem prædicti Custodis, ad prædictam Ecclesiam, idoneam personam admittat; Et Abbas in misericordia, &c.

By which case we may discern. First, how many unjust, fraudulent tricks and devises these pretended Religious Abbots and Monks then had, to deprive infants and others of their rights of patronage unto Churches, by intrusions and pretended appropriations; 2ly, what dilatory pleas and fraudulent inhibitions unbecomming Christians, much lesse religious Votaries, they used to prevent, retard their recovety of their rights by Legal suits and processe in the Kings Courts, when they could not ingrosse the conusance of them into their own Ecclesiastical Courts, as *they* * *frequently endeavoured*, which would soon have deprived all Lay-Patrons of their Advousons, had their Titles been never so clear or legal. * See Here, p. 268, 439.

The Bishop of *Rochester* presenting and instituting *Robert Estre* the Kings Chaplain to the Church of *Woldeham*, then found to be void by *Walter* the Parsons entry into Religion in the Church of *Rochester*, which he exchanged for the Church of *Henlee* afterwards appropriated to the Bishop and his successors; the said *Walter* casting off his Monks habit, and vexing the said *Robert* so as he was in danger to lose the said Living; the King thereupon writ to the present Bishop of *Rochester* to do him right against the said *Walter*, and to restore him to the Church out of which he had forcibly ejected him: whereupon the Bishop admonished *Walter* to remove the force out of the Church, and deliver the possession thereof to *Robert Estre*, excommunicating him for not doing it; who contemning his Mandate and Excommunication, procured an inhibition to him out of the Court of *Canterbury* to which he had appealed, not to act any thing to *Walters* prejudice pending his appeal: whereupon the Bishop made this Certificate to the King of his proceedings therein, desiring his Majesty,

An. 20 *E.* 1. to remove the force and injustice in this cause by his Temporal sword and Ministers, since he could not effect it by his Spiritual sword.

Brevia Regis de Privato Sigillo, Anno 20 E. 1.

Excellentissimo Principi & Domino suo Reverendo, Domino Edwardo *Dei gratia Regi* Angliæ *illustri, suus devotus, frater* Th. *miseratione divina* Roffen. *Ecclesiæ Minister humilis salutem, cum omni reverentia & honore. Majestatis vestræ Literas omni quæ potuimus reverentia nuper recepimus, in hæc verba*; *Edwardus* Dei gratia, &c. Venerabili in Christo patri *Th.* eadem gratia *Roffen.* Episcopo, salutem. Cum bonæ memoriæ nuper Episcopus *Roffen.* ultimus prædecessor vester ratione resignationis quam dilectus Capellanus noster *Robertus de Estre* in manus ipsius Episcopi fecit de Ecclesia de *Henlee Lincoln.* Dioc. cujus advocationem idem prædecessor vester à dilecto Consanguineo & fideli nostro *Edmundo* Comite *Cornub.* sibi & suis successoribus adquæsivit, Ecclesiam de *Woldeham* vestræ Dioces. vestri etiam patronatus, quæ tunc temporis vacasse dicebatur, pro eo * quod quidam *Walterus*, qui Ecclesiam illam tenuit, habitum Monachalem in vestra Ecclesia *Roffen.* susceperat, præfato Capellano nostro contulerit, et ipsum instituerit in eadem. Qui quidem *Walterus* postmodum spreto habitu suo prædicto, et ad statum rediens pristinum, præfatum Capellanum nostrum super Ecclesia multipliciter inquietavit, et adhuc inquietare non cessat; *ita quod idem Capellanus noster in periculo perdendi illam Ecclesiam jam consistit, nisi sibi subveniatur celerius in hac parte.* Paternitatem vestram affectuosè requirimus & rogamus, quatinus ad factum prædecessoris vestri prædicti in præmissis vestræ considerationis intuitum dirigentes, illudque plenius advertentes, præfato Capellano nostro de Ecclesia prædicta vel alia favore Regio taliter providere, quod promotione suâ in hac parte nullatenus defraudetur. Scituri quod si sibi secus evenerit (quod nollemus) omittere non possumus sicuti nec debemus, quin eidem Capellano nostro celeri juris remedio subveniamus in hac parte, prout melius viderimus faciendum. Quid autem duxeritis faciendum in hac parte, nobis per latorem præsentium literarum rescribatis. Teste meipso apud *Culford* quarto die *Maii* anno regni nostri vicesimo. *Nos igitur hujusmodi mandato vestro promptissime ut debuimus obtemperare volentes, prædictum* Walterum *& omnes secum vi & armis dictam Ecclesiam occupantes per literas nostras sufficienter monuimus,* et si monitis nostris contumaciter non pareret in scriptis excommunicavimus; *ut infrà certum diem in literis nostris expressum, à dicta Ecclesia & Domibus ad eam pertinentibus omnino recederent, ut Dominum* Robertum *prædictum dicta Ecclesia & ejus possessione cum omnibus suis in pace gaudere permitterent; protestantes insuper, quod si idem* Walterus *jus, quod sibi in eadem Ecclesia competere asserit,* vellet prosequi coram nobis, nos eumdem in sua justitia libentissime audiremus, et quod in hac parte justum foret et canonicum faceremus; *Qui dictam monitionem nostram,* et excommunicationis sententiam, qua ipsos innodabimus parvipendentes, dictam Ecclesiam contra Deum et justitiam et pacem vestram adhuc detinent et occupant vi et armis: procurantes nichilominus nobis per Dominum Offic. Curiæ *Cantuariensis,* cui per obedientiam subjicimur, districtius inhiberi, ne pendente in eadem Curia cujusdam tuitoriæ appellationis negotio, quam a nobis idem *Walterus* se asserit interposuisse, quicquam in ejus præjudicium attemptemus seu attemptari faciamus, quo minus hujusmodi negotium tuitorium prosequi valeat cum effectu. Et quia hujusmodi armorum violentiam spiritualis gladius a dicta Ecclesia non sufficit amovere, dominationi vestræ quam intime supplicamus, quatinus prædictam vim et armatam violentiam per vestros Ministros amoveri faciatis ab eadem Ecclesia et Domibus memoratis, id quod ad Coronam et Dignitatem vestram in hac parte spectare dinoscitur, secundum Deum et justitiam ulterius exercentes. *Dignitatem vestram Regiam semper incolumem conservet Altissimus cum ejus matre virgine gloriosa per tempora longiora.* Dat. *apud* Tretteselive 10. *Kal.* Julii, *Anno Domini* 1292.

* It seems by this, that a person's entrance into Religion, made his Church void, & nulled his presentation & induction to it.

The Chancellor imploying one of his Clerks and Creatures to carry the Popes Bulls and Kings Writs into *Ireland* for levying a Disme and Quindisme there for the King, he rendred this account to him of his voyage thither and proceedings therein, by these Letters which I found in the *White Tower*, being blamed (as it seems) for his negligence in that affair.

Ve-

An. 20 E. 1.

Literæ & Brevia Regis de privato sigillo, Anno 20 E. 1.

Venerabili in Christo patri suoque charissimo Domino, suus Clericus quem creavit, *salutem, & cum promptitudine serviendi in servitute continua se paratum. Ecce (amantissime Domine) quam gravis afflictio additur mihi afflicto, ultra id quod nuperrimè vobis scripsi; Statim siquidem postquam de vobis veni* Bristoll. *& venti commoditatem perceperim* cum Bullis quas traditas mihi bidistis, ut eos perpetuari facerem, ne per mortem Papæ, quæ fortassis contigeret, earum retardaretur prosecutio vel effectus; *ferè solus & nudus, quia navis quam pro me & familia mea conduxeram ex toto non extitit preparata, cum festinatione omnimoda versus* Hiberniam *properavi*, spe credens firmissima indignationem Regis per hoc totaliter effugisse, et ei eo gratias reportasse. *Verumptamen, quia* quamplurima Brevia Decimam et Quintamdecimam tangentia, *una cum mea familia & aliis rebus meis post me transvehend. quamtocius ut sperabam*, Bristoll. *dimisi*; quæ omnia Brevia, tam ex abrupto progrediens, mecum salvo ducere non valebam, nec ipsa sicut cæteras res meas nondum acceperim, *nisi vestra benignitas me dignetur prospicere, in id incidere dubito quod plenè credidi evasisse, & pro gratiis earum (quod absit) contrarium incurrisse. Ne forsan credatur & per sinistros aliquos sibillatores nostro Domino Regi suggeratur*, quod Quintædecimæ prosecutio sit neglecta, licet ipsa ut spero effectualiter fuerit retardata. *Expediens siquidem non foret, quod illud injunctum mihi nuncium inchoassem, donec quamplurium* Hibern. *Incolarum* in proterbitate induratos et inbolluntarios animos ad majorem affectum versus Dominum Regem piis operibus necnon verbis attraxerim allectibis. *Etiam & si* Quintamdecimam præsent. bonorũ suorũ concesserint citra festum *Purif.* beatæ *Mariæ, quæ quidem concessio citius fieri non possit de hujusmodi concessione Dom. noster Rex respective lucrum modicũ reportaret. Utilis igitur hujus rei non inchoatæ dilatio me potius immunem debet à culpa servare, quàm præcipitatio immatura culpare. Pie pater, quia* Brevia sæpefata *& ferè omnia bona mea dubito naufragio fore deperdita*, Petrum de Abyndon *latorem præsentium vobis misi pro* nobis Brevibus impetrandis, *prout vobis si placet, sicut cætera me tangentia dicet plenius oretenus. Et quia Dominus* Robertus Bagot *& quamplures alii de Consilio Regis in* Hibern. *me rogarunt pro eodem, quod sibi committerem custodiam* Rotulorum et Brevium Regis de Banco Dublin. *asserentes me hoc facere posse, id tamen nolui, vestris consensu & licentia irrequisitis; absit enim, quod absque vestro præcepto, quid hujusmodi facerem vel aliud quodcunque, quod contra vestram cederet voluntatem. In veritate ipsum reputo discretum, fidelem, & valde prudentem, & talis laudabili testimonio comprobatur. Altissimus vos in prosperitate continua semper salvet. Dat. apud* Dublin. *die Lunæ prox. post festum Sanctæ* Luciæ.

Ibidem.

Reverendo in Christo Patri, suoque amantissimo Domino, sua creatura, *salutem, & se cum quanto poterit obsequio & honore in continua servitute. Die Lunæ in Quindena Sancti* Hillar. *ad quem Barones & Magnates* Hibern. *necnon fidelis communitas ejusdem, ipsis duntaxat qui sunt de libertatibus certis ex causis exceptis, apud* Dublin. *vocati extiterant*, ipsorum majorum animis, ad obtemperand. in omnibus voluntati Domini nostri Regis prius inductis, eisdem Baronibus et Magnatibus, Militibus et cæteris de communitate tunc ibidem præsentibus, nuncium exposui de Quintadecima mihi injunctum. *Quo exposito, omnes* Hiberniæ *ferè Majores ipsam Quintamdecimam concesserunt in forma subscripta; videlicet, Quod à præstatione & taxatione ejusdem deducantur eorum Arma, Equitatura, generis cujuscunque Utensilia, necnon eorum Thesaurus & Garderoba. Cæteri vero de vulgo & plures Magnates post immensas altercationes habitas inter ipsos*, asseruerunt se guerris quotidianis gravari, et ex eo, quamplurimum ære alieno. *Propter quod nisi & ipsorum debita, quæ debent, similiter deducantur, vel in tantum exonerentur versus suos Creditores, quantum solvent de Debitis illis Quintadecimæ nomine, ipsam nullo modo præstabunt. Gratanter etiam & unanimiter concedentes quod* Quintamdecimam *de debitis quæ eis debentur persolvent. Quocirca paternitati vestræ placeat (Reverende) istius concessionis formam exponere* Domino nostro Regi, *ut suæ Excellentiæ mihi libeat demandare, quid de premissis duxerit ordinand. De eo maxime, utrum sibi placeat, quod de istius Anni nunc bonis apparentibus Quintadecima persolvatur; an ipsius actio usque in Annum futurum proximo differatur, quod magis videtur meo judicio expedire. Enimvero præsentis Anni bona sunt fere consumpta. Dignetur etiam Dominus noster Rex*

An. 20 E. 1. *terminos ordinare quibus Quintadecima debet solvi. Asserverunt enim prædicti* Hiberniæ *Incolæ, in concessione ejusdem Quintadecimæ, quod ipsam nisi diffusis terminis aliqualiter solvere non possunt propter duo*; 1. num, quia pauperes; aliud, si ex præmatura et cælerî exactione ejusdem pauperiores efficiantur, citius sui inimici infideles Hibernici eis assidue machinantes, subdolis incursibus ipsos forsan invadent, depriment et confundent. *Pie pater, negotia me plura tangentia Magister* Henricus de Ragele *lator præsentium vobis (si placet) refert viva voce: in quorum aliquibus dignemini manus correctioris apponere, & aliis vestra benignitate auxilium impertiri. Scit vobis idem Magister referre qualiter & quomodo* negotium de Decima Clericorum præstanda inchoavi, *& quibus vigiliis & diligentia tam prædictum negotium quàm istud studeo & insisto ad effectum felicem perducere & optatum. Pro certo (reverende Pater) asserere poteris Domino nostro Regi, quod Dominus* David de Effington *bonus & fidus amicus hactenus à tempore adventus mei in* Hibern. *extitit in præmissis, necnon cæteris omnibus quæ sibi injunxi ex parte prædicti nostri Domini facienda*; set ultra omnes quos in Hibernia sum expertus, Archiepiscopus Cassell. ex immensis fidelitate et affectione quas gerit erga Dominum nostrum Regem est merito commendandus. *Quæ, si placet, eidem nostro Domino referatis, ut prædictus Dominus* David *ab indignatione quam adhuc ignorat incurrisse mandetur; & prædictus Archiepiscopus grates ex suis benemeritis valeat reportare. Vos in prosperitate Altissimus semper salvet.*

In the same Bundle of Writs of Privy Seal and Letters this year, I finde this memorable case related in a Letter concerning a devise of a Messuage in *London* to a Chauntry, and the probat thereof in that age, with the opposition made against it by the heir who brought an *Assise of Mortdauncester*, because the Testator died before his Seal was put unto it; which suit the Author of this Letter endeavoured to engage the Chancellor to supersede, and make the Will inviolable.

Literæ & Brevia Regis de privato sigillo, Anno 20 E. 1.

SAlutem & se totum. Quia *Johannes de Hakeburn.* quoddam Messuagium cum pertinentiis in Civitate *London.* in Testamento suo legavit *Johannæ* uxori suæ, tenendum ad vitam ipsius *Johannæ*, ad sustentationem unius Capellani pro anima ipsius Johannis Divina celebraturi; et idem Testamentum tam coram Ordinariis quam in Hustengo *London.* legitime est probatum, quod Dominum nostrum Cancellarium credo non latere, eò quod relatum fuit michi *London.* quod idem Dominus noster Cancellarius pro eodem negotio fuit in *Gildhalla London.* & novit probationem ejusdem testamenti, vel ad probationem ejusdem procedere præcepit: propter quod, ut superius est expressum, legitime est probatum. Et quidam *Johannes le Irmongere*, qui se dicit esse fratrem & hæredem ejusdem *Johannis*, & unus est Executorum ipsius *Johannis*, & pars (ut executor) probationis Testamenti prædicti, quandam *Assisam mortis Antecessoris* arram. coram Vicecom. *London.* de eodem Tenemento versus prædictam *Johannam*, in fraudem et elusionem Testamenti prædicti, malitiosè & contra Deum & Justitiam, ut à multis fidedignis in Civitate prædicta intellexi. Dilectionem vestram de qua plenè confido, affectuosè requiro, quatinus negotium istud Domino nostro Cancellario, qui partem ejusdem novit (ut credo) & pro quo Dominus *Hugo de Cressingham* scribit eidem, ostendere, & partes vestras erga ipsum efficaciter interponere velitis amore mei, ut idem Dominus noster Cancellarius quandam Associacionem de Domino *Johanni de Metingham* Custodi & Aldermannis dictæ Civitatis concedat, juxta tenorem Cedulæ quam vobis mitto præsentibus intercluſam; quam tradidit michi prædictus Dominus *Hugo*. Ita tamen quod si correctione indigeat, de consilio vestro & aliorum sociorum vestrorum corrigatur. Et quia Testamentum prædictum legitimè probatum est, nec aliud oppositum est eidem probationi, nisi quod post idem Testamentum editum, Sigillum Testatoris eidem Testamento non erat appositum, eo quod ita festinanter obiit, quod post Testamentum prædictum editum ante ejus obitum apponi non potuit eidem; Et ultima voluntas Testatoris, et non Sigilli sui appositio, facit Testamentum; ——— si constet prædicto Domino nostro Cancellario de probatione prædicta, sicut prædictum est, sine præjudicio melioris sententiæ, juri congruit ——— quod scribatur Custodi & Aldermannis prædictis, qui hujusmodi facti Recordum habent, executionem Testamenti prædicti, sicut probatum est fieri faciant; & quod Vicecomites prædicti, qui eis sunt inferiores & sui Ministri, nec aliquod

aliquod Recordum inde habent in præjudicium libertatis Civitatis prædictæ, quam habent de gratia Domini Regis & non aliundè de lege vel jure, ad captionem Aſſiſæ prædictæ in præjudicum prædictæ *Johanne* contra formam Teſtamenti prædicti **nullatenus procedant.** Inauditum enim eſt, quod id quod coram Juſtic. actum eſt & approbatum, coram Vicecom. poſſit aut debeat infirmari. Unde vobis placeat de iſto negotio efficaciter intromittere, vos rogo quantum poſſum, ut effectum ſortiri poſſit debitum. Maxima autem malitia proſecuta eſt in hoc facto, propter quod prædictus Dominus noſter Cancellar. in *Gildhalla* fuit perſonaliter, & Cuſtodi & Aldermannis injunxit, **quod propter Aſſiſam prædictam non omitterent quin ad probationem Teſtamenti prædicti et executionem ejuſdem procederent, et nichilominus impetratum eſt Breve de Cancellaria quod Vicecomites ad captionem ejuſdem Aſſiſæ procedant; quod non eſt valde honeſtum.** Et hoc dicatis (*ſi placet*) Domino noſtro prædicto. Ego vero ſum *London.* pro negotiis Converſorum, & ad vos ero quam citius ego potero ubicunque vos juvero, Domino concedente. *Vale.* *An.* 20 E. 1.

How vexatious and injurious Biſhops Officials were in that age, in Excommunicating men with greater Excommunications, without either precedent monition, confeſſion or conviction, this Complaint, Appeal and Inhibition will evidence.

OFfic. *Karl.* diſcreto viro Domino *Thomæ de Capell.* Vicar. Eccleſiæ de *Kyrkebyſtep*, ſalutem in authore ſalutis. Suâ nobis *Thomas* dictus *Godehusband* paroch. Eccleſiæ de *Burg.* ſub *Staynmor.* petitione monſtravit, **quod vos in eum, non monitum, non confeſſione ſua convictum, contra ſtatuta Concilii generalis, et ſine cauſa rationabili, majorem ſententiam promulgaſtis, ſeu promulgari feciſtis, in grave ipſius *Thomæ* præjudicium, non modicum et gravamen. Dictus *Thomas* ſentiens ſe ex eo indebite prægravari, a dicta ſententia ad nos (ut aſſerit) legitime appellavit. Quocirca vobis inhibemus, ne pendente hujuſmodi appellatione coram nobis quicquam in partis appellantis præjudicium attemptetis, ſeu attemptari faciatis, quo minus tuam Appellationem factam libere proſequi valeat, ut eſt juſtum.** Citamus etiam vos per præſentes, quod compariatis coram nobis vel Commiſſar. noſtro in prox. Capitulo *Weſtm.* celebrand. parti appellanti in forma juris reſponſur. & ulterius factur. quod juſtitia ſuadebit. Quid in præmiſſis feceritis dicto Capitulo per literas veſtras patentes harum ſeriem continentes legitime conſtare faciatis. Datum apud *Bellum locum*, &c. Brevia Regis de priv. ſigill. in Turre London. An. 20 E. 1.

OFfic. *Karl.* diſcreto viro Domino *Thomæ de Capell.* Vicar. Eccleſiæ de *Kyrkebyſtep*, ſalutem in authore ſalutis. Cum *Thomas* dictus *Godehusband* paroch. Eccleſiæ de *Burgh.* ſubtus *Staynmor.* coram nobis in judicio comparuiſſet, ac ipſum per vos majoris vinculo **Excommunicationis fuiſſe innodatum, (ut aſſerit) et a vobis ad nos legitime appellavit, idem *Thomas* beneficium abſolutionis in forma juris a nobis ſibi impendi humiliter poſtulavit.** Cumque ſupra dicta abſolutione aliquandiu diſceptatum extitiſſet, tandem nos vobis iſta vice gratioſe differentes, **ipſum ad vos per præſentes citra prox. Capitulum *Weſtm.* mittimus abſolvendo. quod ſi in hujuſmodi abſolutione impendenda negligentes fueritis ſeu remiſſi, nos ipſum extunc in forma juris abſolvemus.** Quid in præmiſſis feceritis nobis ſeu Commiſſario noſtro dicto Capitulo legitime conſtare faciatis per literas veſtras patentes quæ harum ſeriem repreſentent. Dat. apud *Appelby* 15 Kal. *Jan.* Anno Domini 1291. Ibidem.

What Letters the King by his Privy Seal ordered his Chancellor to iſſue and ſend this year unto the Pope and Cardinals at *Rome*, on the behalf of *Hugo de Leominſter* his Clerk, and his Kinſman *Alphonſo* the King of *Aragons* ſon, theſe original Writs inform us.

EDwardus Dei gratia Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, venerabili in Chriſto patri R. eadem gratia *Bathon.* & *Wellen.* Epiſcopo, Cancellar. ſuo, ſalutem. Literas quas vobis tranſmittimus præſentibus interclusas fratri *M.* de Pundela Brev. de privato ſigillo, Anno 20 E. 1. Turre London.

An. 20 E 1. *de Aquâ ſparſâ* Cardinali pro dilecto Clerico noſtro *Hugone de Leominiſter* ex parte noſtra dirigend. ſtatim viſis præſentibus magno ſigillo noſtro conſignari faciatis, & eas præfato *Hugoni* retradi ſigillatas. Dat. ſub privato ſigillo noſtro apud *Farndon* 4 die *Marcii*, Anno regni noſtri 20.

VEnerabili in Chriſto patri Domino *G.* Dei gratia *Sabinen.* Epiſcopo, Sacroſanctæ *Romanæ* Eccleſiæ Cardinali, amico ſuo, *Edwardus* eadem gratia Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, ſalutem & dilectionis intimæ continuum incrementum. Cum dilectus Conſanguineus noſter Dominus *Alphonſus* filius Domini *Ferrandi* quondam illuſtris Regis *Caſtellæ*, **ad Curiam Romanam perſonaliter jam accedat**, pro quibuſdam negotiis ſuis quæ optinet inibi exequenda, Paternitatem veſtram attente requirimus & rogamus, quatinus in negotiis hujuſmodi vos conſulentes & propitios exhibere velitis, noſtris precibus & amore; adeo ſi placet, quod idem *Alphonſus* has noſtras preces ſibi ſentiat efficaces. Dat. apud *Farndon* 6 die menſis *Marcii*, Anno gratiæ 1291.

Edwardus Dei gratia Rex, &c. venerabili in Chriſto patri R. eadem gratia *Bathon.* & *Wellen.* Epiſcopo, Cancellario ſuo, ſalutem. **Mittimus vobis tria paria literarum præſentibus interclusa; unum videlicet Domino Summo Pontifici, aliud Domino *Benedicto* Cardinali, pro negotiis Domini *Alphonſi* filii Domini *Ferrandi* quondam illuſtris Regis *Caſtellæ* filii**; & unum eidem Regi dirigend. Mandantes quod aſſumpta in Garderoba noſtra apud *London.* vel alibi, **in forma nominum cæterorum Cardinalium quibus ſcribere ſumus uſi, literas noſtras ſcribi faciatis eiſdem**, eodem tenore quo Domino *Benedicto* ſcribimus ſupradicto: Quibus peractis eas una cum literis prædictis magno ſigillo noſtro, prout moris eſt, conſignari faciatis, & conſignatas tradi præſentium portitori. Dat. ſub privato ſigillo noſtro apud *Farndon* 6 die *Marcii*, Anno regni noſtri 20.

There being a Suit pending in the Court of *France*, between the King and Biſhop of *Avicien* concerning *Bigorra*, which he had alienated to the King, the Dean of St. *Severin* ſent this advice and account to the King concerning it, whereby we may diſcern how far the Cardinals and Pope were engaged therein on both ſides, to gain monies from both.

Brevia Regis de privato ſigillo, Anno 20 E. 1. in Turre Lond.

DOmino ſuo, *Reymundus* Decanus Eccleſiæ Sancti *Severini Burd.* ſe ipſum. Noveritis Dominum *G. Avicien.* Epiſcopum de *Pariſ.* verſus partes *Lemovicen.* unde oriundus exiſtit, & non verſus ſuam Eccleſiam receſſiſſe, expectando Quindenam *Paſchæ* ad quam quæſtio ſui judicii de *Bigorra* extitit prorogata. Et quia intellexi, **quod aliqui Domini Cardinales ſuper dicto facto *Bigorræ* pro vobis ſcripſerunt eidem**, expediens videretur, quod ad ipſum Epiſcopum aliquem certum & ſecretum nuncium mitteretis, non expectato quoad hoc termino ſupradicto: Sibi enim dixi, quod cum Eccleſia ſua ſuper dicto feodo ſi ipſis placuerit rationabiliter componetis; & quod magnum eſſet indecens, **quod poſt alienationem dicti feodi vobis factam, cum alio conveniretis**. Hæc autem verba ideo ſibi expoſui, quia licet optineretis in judicio poſſeſſorio, in quo per judicium *Franc.* jam prolatum, **ſubcubuiſſetis iniuſte**, prout poteſt liquide apparere per proceſſum Curiæ *Franciæ* in publicatione teſtium diu eſt vobis datum, in petitorio tamen judicio propter defectum decreti **in alienatione dicti feodi Eccleſiaſtici vobis facta**, non adhibiti, ſubcumbere haberetis, etſi cauſa ſeu ratio aliqua contra vos non ſubeſſet. Si autem ad dictum Epiſcopum ex parte veſtra ante dictum terminum non mittatur, fortè ſibi videbitur, quod multa per me & alios veſtros ſibi dicta fuerint ad illudend. eidem. Rurſus Dominus *Aimericus* dictus *la Porta* Miles, quondam Dominæ *Bragiriaci* Conſanguineus & intimus Domini Epiſcopi ſupradicti, qui pro vobis erga ipſum Epiſcopum ad compoſitionem habendam, libenter & diligenter intendit, & ſi opus fuerit, perſonaliter laborabit, michi pro verò expoſuit, **quod idem Epiſcopus ſi ad expenſas * ſufficienter pecuniam habuiſſet, ſub coloze dictarum literarum Dominorum Cardinalium ſibi miſſarum propter hoc negotium, greſſus ſuos de Parliamento præſenti ad Romanam Curiam recto itinere direxiſſet.** Veſtra igitur circumſpectio provideat, quid & qualiter ſuper hoc ſit agendum. Dominus

* Nothing could be then tranſacted at Rome without good ſtore of monie.

vos

vos conſervet ad ſuum ſervitium & veſtrorum regimen, **per tempora longiora cum grata commemoratione Decanat. veſtri.** Dat. *Pariſ.* die Lunæ poſt Octab. feſti Purificationis beatæ *Mariæ.* *An.* 20 E. 1.

I ſhall now crave liberty to inſert into this year and Chapter, the moſt remarkable claims, declarations, demonſtrations of King *Edward* the 1. his Soveraign Dominion over the *Kingdom, Kings, Prelates, Nobles, Clergy* and *Commonalty* of *Scotland*, as Superior Lord of *Scotland*; which he then undeniably evidenced by antient Chronicles, Hiſtorians, the Homages, Oathes made to him and his Royal Predeceſſors by the Kings of *Scotland* in former ages; the unanimous confeſſions, Charters, Homages, Fealty of all the Competitors to the Crown of *Scotland*, after the death of King *Alexander*, and Queen *Margaret* his daughter without iſſue, before her intended marriage to Prince *Edward* his ſon; the ſurrender of the whole Kingdom, with the Caſtles and appurtenances thereof into his hands, as Superior Lord thereof, by the Guardians of *Scotland*, with the unanimous conſent of the Nobility, Clergy, Commonalty of that Nation; by the memorable Petitions of all the pretenders to the right and deſcent of the Realm and Crown of *Scotland* to them, after Queen *Margarets* deceaſe; who ſet forth their reſpective Titles, and ſubmitted them all to his abſolute Judicature, as their Superior Lord; who thereupon after ſundry deliberate, juſt, legal proceedings therein, and many hearings and interpleadings, by advice and conſent of his Parliament, and of the Prelates, Earls, Nobles, and moſt eminent Lawyers of both Kingdoms, finally adjudged the right of the Crown of *Scotland* to *John Baliol* as next heir in Law; who thereupon ſwore Fealty and Homage to him as to the Soveraign Lord of *Scotland*, after his Coronation and reſtitution of the Kingdom and Caſtles to him by the Kings Writs; who frequently ſummoned him to his Court, Parliaments upon complaints & appeals, for his injuſtice, oppreſſions, treachery, and confederacies with the *French* King againſt his homage and allegiance: All which particulars being only briefly, yea very imperfectly related by [a] *Mat. Weſtminſter*, [b] *Thomas Walſingham*, [c] *Henry de Knyghton*, and the reſt of our Hiſtorians, I ſhall here preſent you with at large, (for the vindication of the antient right and Soveraign Dominion of our *Engliſh* Kings over that Realm and Church, againſt all claims of uſurping Popes, or ingrate perfidious, rebellious Kings of *Scotland*) out of a moſt memorable irrefragable Record then made thereof by King *Edwards* ſpecial command, written by two ſworn Notaries approved by the Pope in a very excellent fair hand, in ſundry large Rolls of parchment, now remaining in the Tower of *London*; the truth of each particular therein conteined, with all circumſtances of time, place, and other emergencies, being atteſted by many Biſhops, Earls, Nobles, and other perſons of quality of the *Engliſh* and *Scottiſh* Nations, preſent at all the Tranſactions, and theſe two ſworn Notaries: Which being thus recorded by King *Edward in perpetuam rei memoriam*, to all ſucceeding generations, and the exacteſt Narrative, Record both for Hiſtory, judicial and legal proceedings, rare pleadings, Pedigrees of the *Scottiſh* Royal Line, the ſeveral Titles made to the Crown of *Scotland*, and the compleateſt, uncontrolableſt evidence of our Kings Soveraign Juriſdiction and Lordſhip over *Scotland*, this day extant, moſt worthy publick view, though very long, reciting ſundry Patents, Charters, Oathes both in *French* and *Latine*, for the reaſons therein expreſſed.

a Flores Hiſt. An. 1291, 1292. p. 370, to 383.
b Hiſt. Angliæ p. 17, to 24. Ypodigma Neuſtriæ, p. 73, to 78.
c De Eventibus Angl. l 3. c. 2. col. 2469, &c. Polychronicon l 7. c. 39. Chron. Will. Thorne, col. 1962. Fabian, Caxton, Holinſhed, Graſton, Speed, Stow, Daniel, Baker in Ed 1.

IN Nomine Domini, Amen. *Quoniam antiquorum induſtria circumſpecta utilitate publica* Tabellionatus *officium noſcitur adinventum, perſonis fidedignis concedendum, ut contrahentium vota, acta judicialia, proceſſus, contractus & pacta, & alia quæque ipſorum facta præſentia diligenter & prudenter aſcultantes, & etiam recolligentes conſcribant, & requiſiti ſuper his publica faciant Inſtrumenta*, ad quæ etiam fideliter et ſine fraude facienda, conſcribenda, et in publicam formam redigenda, ipſorum quilibet requiſitus præſtiti Sacramenti virtute conſtringitur. *Idcirco præmiſſa attendens, indemnitatique meæ proſpicere volens*, quatenus ex mei debito teneor juramenti, tam ſuper proceſſu recognitionis Superioritatis et directi Dominii regni Scotiæ, quam aliis quæ in ipſo proceſſu coram excellentiſſimo Principe et Domino noſtro Domino Edwardo Dei gratia Rege Angliæ illuſtri, ſuperiori et

Rotulus de Superioritate Regis Angliæ in regno Scotiæ, & fidelitate & homagii Regum & regni Scotiæ Regi Angliæ, An 19, 20, 21, 22, 23 E. 1. in Turre London.

An. 20 E. I. et directo Domino regni Scotiæ, inter quosdam Nobiles subscriptos, quorum quilibet jus succedendi in dictum regnum Scotiæ sibi competere vendicabat, rogatus, cum ea qua potero diligentia compellor scribere quæ sunt veritatis, ad perpetuam rei memoriam posteris ostendendam; ut futuris temporibus, si necesse fuerit, et scire voluerit actorum veritas in hac parte, hujusmodi scire volentes veritatem ad præsens Instrumentum publicum recursum habere poterint opportunum; et quæ per humanam labilitatem et temporum lapsum a memoria recesserunt, per istius inspectionem Instrumenti hoc Processus recenti memoriæ reducantur. Vacante nuper dicto regno *Scotiæ* & Regis præsidio carente per obitum claræ memoriæ Domini quondam *Alexandri* Regis ejusdem filiorumque suorum, ac subsequenter per mortem nobilissimæ ac clarissimæ Dominæ, Dominæ quondam *Margaretæ* filiæ excellentissimi Principis Domini, Domini *Erici* Dei gratia Regis *Norwegiæ*, Neptis ipsius Regis *Alexandri*, quæ in dicto regno *Scotiæ* successisse debebat eidem: subortisque inter Nobiles subscriptos, quorum quilibet jus succedendi in dictum regnum *Scotiæ* sibi competere vendicabat, contentionis & dissentionis materiis, *Excellentissimus & serenissimus Princeps & Dominus noster, Dominus* Edwardus *Dei gratia Rex* Angliæ *illustris*, et superior et directus Dominus dicti regni, perpendens ipsum regnum et statum ejusdem ex tanti Principis destitutione multipliciter conturbatum, Indicta apud Norhm. Dunolm. *Dioc. in confiniis dicti regni* Scotiæ suo Parliamento, ad eundem locum tanquam superior et directus Dominus ipsius regni personaliter declinabit; ut quæstiones hujusmodi, lites et turgia, quæ inter ipsos Nobiles jus succedendi in dictum regnum Scotiæ (ut præmittitur) vendicantes, terminaret, et ortas super hæc inter ipsos contentionis et dissentionis materias amputaret, finemque litibus apponeret, et vendicantium quemlibet in jure suo benigne audiret, ubique et aliis omnibus et singulis petentibus, justitiæ faceret (*ut dicebat*) complementum.

* See Mat. Westm. An. 1291 p. 377, to 382. Tho. Walsingham Hist. Angl. p. 16, to 20.

* *Anno à nativitate Domini* 1291. *Indictione quarta, mensis* Maii *die decimo, congregatis coram excellentissimo Principe & Domino, Domino* Edwardo *Dei gratia Rege* Angl. *illustri, apud* Norhm. ad ipsius Regis mandatum, utriusque regni Nobilibus et Prælatis, Militibus et perpluribus aliis in multitudine copiosa; *Nobilis vir Dominus* Rogerus Brabancon. *Miles, & dicti Domini Regis* Angl. *Justiciarius, in cujus ore idem Dominus Rex verba sua posuerat, ipsum organum sunm constituens,* In præsentia mei infrascripti Notarii et testium subscriptorum ad hoc vocatorum specialiter et rogatorum, *nomine & vice ipsius Domini Regis* Angl. *Episcopis, Prælatisque aliis Ecclesiasticis, Comitibus, Baronibus, Militibus, aliisque omnibus & singulis de* Communitate regni Scotiæ *ibidem congregatis* (*ut præmittitur*) *verba subscripta, vel his similia, hanc habemia sententialiter intellectum, sermone tamen* Gallico *dixit & proposuit oraculo vivæ vocis.*

Serenissimus Princeps & Dominus noster excellentissimus Dominus *Edwardus* Dei gratia Rex *Angliæ* illustris, superior et directus Dominus regni *Scotiæ*, perpendens statum ejusdem per mortem claræ memoriæ Domini quondam *Alexandri* ultimi Regis ejusdem, & etiam liberorum suorum, commotione gravi fuisse jamdiu, est, & esse multipliciter conturbatum, & ex tanti Principis destitutione varia perplexitate depressum; conspicienque ipsum regnum & inhabitantes ejusdem Incolas diversarum procellarum turbine fluctuantes, ob affectionem & zelum quem habebat, & habet erga vos & universos & singulos, quorum tuitio et defensio ad ipsum spectare dinoscitur, ac etiam ad faciendum omnibus jus ad dictum regnum *Scotiæ* vendicantibus, justitiæ complementum, ac etiam pro tranquillitate & pace inter regnicolas ipsius regni conservanda; vos in hac Quindena *Paschæ* proximo præteritæ ad locum istum in dicti regni *Scotiæ* confinio situatum, (ut vestris etiam laboribus parceret & expensis) per suas certi tenoris literas specialiter convocavit, propter aliqua, quæ vobis intendebat & intendit exponere prima facie, & monstrare. Veniens itaque ob illam causam ad locum istum personaliter de remotis, ut ipse tanquam superior et directus Dominus regni Scotiæ (cujus interest per superioritatem et directum Dominium hujusmodi, quod est suum, paratus est docere, et per diversas Chronicas, in diversis utriusque regni Monasteriis et locis aliis compertas, et per alias informationes et rationes evidentes, probationes (si necesse fuerit) et certa documenta) justitiam faciat universis; ita quod discordiarum et dissentionum vestrarum sublatis materiis, firma pacis tranquillitas

tas eidem regno et ejus incolis permaneat in futurum. Nec est etiam suæ intentionis quicquam indebite occupare, nec alicujus justitiam differre, aut libertates diminuere seu impedire; sed (ut præmittitur) tanquam superior et directus Dominus regni *Scotiæ*, jura sua ubi, et omnibus et singulis facere justitiæ complementum. Et ut hæc deduci valeant commodius ad effectum, idem Dominus noster Rex vestrum super præmissis ex habundanti benivolum requirit assensum, et superioritatis et directi dominii hujusmodi recognitionem; Volens in hiis & aliis omnibus, dictum regnum *Scotiæ* tangentibus, vestris uti consiliis opportunis. *An.* 20 E. I.

Quibus per præfatum Dominum Rogerum (*ut præmittitur*) *nomine dicti Domini Regis* Angl. *peroratis, & à præfatis Episcopis & aliis Prælatis Ecclesiasticis, Comitibus, Baronibus, Magnatibus, aliisque Nobilibus de Communitate dicti regni* Scotiæ *ibidem præsentibus plenius intellectis, iidem Episcopi & alii Prælati Ecclesiastici, Comites, Barones dicti regni* Scotiæ *ibidem præsentes*, diem ad consulendum cum absentibus dicti regni *Scotiæ* Nobilibus & Prælatis, ac communitate, & deliberandum super requisitione prædicta ipsis ex parte Domini Regis facta, & ad respondendum eidem sibi concedi cum instantia petierunt. *Habitaque super hac deliberatione aliquali* (*licet ipsi, quid idem Dominus Rex ipso die facere & dicere voluit, fuissent primitus præmuniti sufficienter*) *ex habundanti tamen fuit eis terminus per ipsum Dominum Regem proximus sequens dies assignatus, ad audiendum deliberationem Domini Regis super jam dictis induciis petitis denegandis vel etiam concedendis. Actum in parochiali Ecclesia de* Norhm. *anno, indictione, mense & die prænotatis; præsentibus venerabilibus in Christo patribus Dominis* Johanne *Dei gratia* Ebor. *Archiepiscopo,* Angl. *Primate,* Antonio Dunolm. Radulpho Carleolen. Willielmo Elien. Willielmo Sancti Andreæ, & Roberto Glascuen. *Episcopis; & nobilibus viris Dominis* Henrico Lincoln. Rogero Northfolch. & *Mareschallo* Angl. *Comitibus, Magistris* Henr. Ebor. Johanne Lichefelden. Thoma Wellen. & Andr. Exon. *Ecclesiarum Decanis, ac* Johanne Ertun *de* Cadomo *publico auctoritate Apostolica Notario, ac aliis tam Nobilibus quàm Prælatis perpluribus in multitudine copiosa.*

Quo die, undecimo videlicet mensis Maii, *anno & indictione prænotatis, loco eodem, præfati Episcopi regni* Scotiæ & *Nobiles coram dicto Domino Rege* Angliæ, *ut prius, comparuerunt; & diem ad deliberandum & consulendum cum absentibus regni* Scotiæ *Nobilibus & Prælatis, ac communitate, super dicta requisitione regia eis, ut præmittitur, facta,* de recognitione videlicet benivola superioritatis et directi dominii regni Scotiæ, quod dicebat esse suum jus et eidem respondendum, cum instantia petierunt. *Quibus idem Rex post diligentem super hoc deliberationem, respondit & dixit*; Se velle eorundem voluntati complacere in hac parte, præfixit & assignavit eisdem secundum diem mensis *Junii* prox. sequent. ad interim consulendum cum absentibus regni *Scotiæ* Nobilibus & Prælatis, & aliis de communitate ejusdem regni super præmissis, & deliberandum, & illo die præcisè respondendum requisitioni suæ supradictæ, & ad exhibendum proponendumque ulterius, & ostendendum præcisè & peremptoriè munimenta vel scripta aut alia quævis documenta, si quæ habuerunt, quæ ipsum a jure suo prædicto superioritatis et directi dominii sui dicti regni *Scotiæ*, aut ab exercitio seu executione dicti sui juris excludere possent, et rationes et documenta pro ipso et jure suo prædicto ostensa, per validiora et efficatiora aliqua via juris infirmare; protestans, se velle et paratum esse ea, quatenus jura permitterent, eis allocare, et facere quod justitia suaderet in eventu. *Præmissaque per venerabilem patrem Dominum* Antonium *Dei gratia* Dunolm. *Episcopum, ipsum ad hoc organum suum constituens, prafatus Nobilibus regni* Scotiæ & *Prælatis ibidem præsentibus nunciavit, ac etiam notificavit. Præsentibus testibus suprascript. cum aliis quamplurimis.*

Ut autem per præsentem processum sive Instrumentum publicum omnibus Christi fidelibus evidenter appareat, cujusmodi rationibus evidentibus & documentis verisimilibus & probabilibus dictus Dominus Rex Angliæ jus superioritatis et directi dominii regni Scotiæ suum esse, et ad ipsum jure Coronæ regni Angliæ et dignitatis suæ regalis præeminentia pertinere debere asserebat, et etiam ostendebat; *incipiendo à tempore* Bruti, & *sic successivè descendendo usque ad tempus suum*, sicut in antiquis Chronicis et libris in diversis Angliæ & Scotiæ regnorum Monasteriis compertis scripta reperiebantur; *videlicet, in Chronicis Magistrorum* Mariani Scoti, Willielmi de Malmesbyr. Rogeri de Hoveden, Henr. de Huntingdon, & Radulphi de Diceto,

An. 20 E. 1. *in multis libris, necnon Sanctorum Patrum* Summorum Pontificum literis suis bullis plumbeis more Romanæ Curiæ pendent. bullatis, et aliis scripturis a sede Apostolica approbatis, ea sertatim de verbo ad verbum nihil addens vel minuens, *quod sensum mutet vel intellectum corrumpat, præsenti Instrumento publico sive processu conscribam.*

Inprimis, *qualiter sub temporibus* Ely & Samuelis *prophetæ vir quidam strenuus ac insignis,* [a] Brutus *nomine, de genere* Trojanorum, *post excidium urbis* Trojæ, *cum multis Nobilibus* Trojanorum *in quandam Insulam tunc* Albion *vocatam, à gigantibus inhabitatam; quibus sua & suorum devictis potentia & occisis, eam nomine suo* Britanniam, *sociosque suos* Britones *appellavit. Et ædificavit Civitatem, quam* Troinovantum *nuncupavit, quæ modo* Londonia *appellatur. Et postea idem* Brutus *dictam Insulam in tres partes dividens, eam tribus suis filiis reliquit possidendam,* Logrino *videlicet,* Albinacto, & Cambro: Logrino *vero quia primogenito, illam partem* Britanniæ, *quæ nunc* Anglia *vocatur,* **cum superioritate et dominio partium aliarum;** Albinacto *vero secundo suo nato illam partem* Britanniæ, *quæ tunc à nomine* Albinacti Albinia *dicta, nunc vero* Scotia *nuncupatur;* Cambro *vero tertio suo filio partem illam quæ tunc suo nomine* Cambria, *nunc vero* Wallia *vocitatur;* **reservata tamen** Logrino **seniori regia semper dignitate.** *Petebat enim* Trojana *consuetudo, quod dignitas hæreditatis primogenito proveniret. Biennio vero post mortem* Bruti *applicuit in* Albinia *quidam Rex* Humorum *nomine* Humber, & Albinactum *fratrem* Logrini *occidit. Quo audito* Logrinus *Rex* Britannorum *persecutus est eum, qui fugiens submersus est in flumine quod de nomine suo* Humber *vocatur, & sic* Albinia *revertitur ad dictum* Logrinum. *Hæc autem in Historia* Bruti. Item, *in Chronicis* Mariani Scoti,[b] Rogeri de Hoveden, & [c] Willielmi de Malmesbyr. (*quorum compilationes & libri in diversis Monasteriis & locis aliis utriusque regni inveniuntur*) *inter cætera reperitur, Quod anno Domini* 901. Edwardus *Monarcha* Angliæ *cognomento senior filius* [d]Eluredi Scotorum, Humbrorum & Stregewallorum *Reges,* **suæ ditioni subegit, et in deditionem recepit.** *Et quod anno Domini* 911. *Rex* Scotorum *cum tota gente, &* Reginaldus *Rex* Danorum, *cum* Danis & Anglis Northumbriam *incolentibus, & Rex etiam* Stregewallorum *cum suis, eundem Regem* Edwardum **sibi Imperatorem et Dominum elegerunt, firmumque fœdus cum eo pepigerunt.** Item, *quod anno Domini* 924. *idem* Edwardus *Rex* Angliæ *cunctis* Britanniam *incolentibus* Anglorum, Scotorum, Cumbrorum, Danorum, & Britonum *populis præfuit.* Item, *quod anno Domini* 926. [e] Adelstanus *filius & immediatus successor ejusdem* Edwardi, Constantinum *Regem* Scotorum, & Danorum *Regem prælio vicit & fugavit; qui postmodum cum ipso fœdus pepigerunt, in loco qui dicitur* Emothe, *quarto Idus* Julii. *Hoc autem invenitur in Chronicis* Mariani Scoti & Rogeri de Hoveden, *in multis libris. Et in Chronicis* Willielmi de Malmesbyr. Henr. de Huntingdon, & Radulphi de Diceto, *inter cætera sic invenitur.* Adelstanus *Rex* Angliæ Constantinum *Regem* Scotorum *cedere regno compulit, quem tamen postea regno* Scotiæ *privatum per ipsum sub se regnare, sicut prius, gratiosius; dicens consilio suo renitenti,* **Glotiosius est Regem facere quam esse.** Item, *anno Domini* 934. *idem* Adelstanus *Rex* Angliæ *eundem* Constantinum *Regem* Scotorum *rebellantem* **debellavit et fugavit,** *& terram* Scotiæ *usque* Dunfermelin *vastavit. Qui* Constantinus *postea filium suum dicto* Adelstano *Regi cum dignis muneribus in obsidem tradidit, & sic pacificantur. Et hoc in Chronicis* Mariani Scoti, Rogeri de Hoveden, Henrici de Huntingdon, & Radulphi de Diceto, *in multis libris invenitur. Et in Chronicis* Willielmi de Malmesbyr. *in multis libris inter cætera reperitur, quod anno Domini* 937. Eugenius *Rex* Cumbrorum, & Constantinus *Rex* Scotorum, *in loco qui dicitur* Dacorum *venientes, se cum suis regnis eidem* Adelstano *Regi* Angliæ *dediderunt; cujus pacti gratia filium* Constantini *jussum baptizari idem* Adelstanus *de sacro fonte suscepit.* Item, *anno Domini* 940. Adelstano *prædicto defuncto, successit sibi in regnum* Edmundus *frater ejus, qui regnavit septem annos sine rebellione* Scotorum. Item, *in Chronicis* Mariani Scoti, [f] Willielmi de Malmesbyr. & Henrici de Huntingdon *in multis libris invenitur, quod anno Domini* 947. Edredus *frater* Adelstani *minor, dicto* Edmundo *fratri suo successit; qui* Northumbris *devictis, in* Scotiam *vexilla direxit: Et* Scoti *nimio terrore percussi, sine bello se subdiderunt eidem,* **et fidelitatem sibi ut Domino debitam juraverunt;** *Quodam Rege,* Yritio *nomine,* **per ipsum super ipsos** Scotos *tunc statuto.* Item, *anno Domini* 955. *mortuo Rege* Edredo *prædicto, successit sibi* Edwinus *filius*

dicti

a This story of *Brute* was then asserted as a truth by the King & whole Parliament of *England.* See Henr. Huntindon Hist. l. 1. Galfr. Monumetensis Hist. Brit. l. 1. c. 2, to 15. Mat. Westm. Flores Hist. Ætas 3 p. 23, 24 Ponticus Verunnius Hist. l. 1. Polychronicon, Fabian, Graston, Holinshed, and others in the Life of *Brute.*

b Annal. pars prior, p. 411, 412.

c De Gestis Regum Angl. l. 2. c. 3.

d Florentius Wigornensis Chron. p. 333, 347. Simeon Dunelmensis Hist. col. 151, 154.

e Florent. Wigorn. p. 348. Sim. Dunelm. col. 154. Hoveden, p. 422. Wil. Malmesb. de Gestis Reg. Angl. l. 2. c. 6. Henr. Huntindon Hist. l. 5 p. 354. Chron. Joh. Bromton col. 838, 839. H. de Knyghton de Event. Angl. l. 3. c. 4. col. 2484.

f De Gestis Regum Angl. l. 2. c. 7. p. 53, 54, 55. Henr. Huntindon Hist. l. 5. p. 355. Rog. de Hoveden Annal. pars prior, p. 423. Florent. Wigorn. Chron. p. 352, 353. Simeon Dunelmensis Hist. col. 156.

dicti Edmundi *fratris* Edredi *Regis, qui regnavit quatuor annis, cujus tempore* Scoti *non rebellaverunt.* Item, *in Chronicis* Mariani Scoti, [a] Rogeri de Hoveden, [b] Willielmi de Malmesbyr. [c] Henrici de Huntingdon, & Radulphi de Diceto, *in multis libris invenitur, quod anno Domini* 978. Edgarus *Rex* Angliæ, *qui immediate successit* Edwino *Regi fratri suo, Regem* Scotorum Kinadium, Malcolmum Cumbrorum, & Marcum *Regem plurimarum Insularum, aliosque quinque Subregulos ad Curiam suam coactos,* **uno et perpetuo Sacramento sibi obligavit**; *adeo ut apud* [d] *Civitatem* Legionum *eidem ut mandarat occurrentes in pompam triumphi per flumen de* Edene *illos deduceret una in navi impositos prope proram sedens remigare cogebat, affectans per hoc regalem suam magnificentiam, qui tot Regum potentiam sibi subjectam haberet ditare. Dixit tunc demum, posse successores suos gloriari, se* Anglorum *Reges esse, cum tanta honorum prærogativa fruerentur. Et quod in quodam convivio fama fuit dictum Regem* [e] Scotorum Kinadium *ludibunde dixisse, mirum videri tot provincias subjici* Edgaro *tam vili homuncioni: Quod* Edgarum *postea non latuit; Qui statim dictum* Kinadium *accersivit, & quasi consultandi gratia longe in Sylvam ipsum deducens, rerum è duobus ensibus, quos secum attulit, eidem tradidit dicens;* Nunc licebit tibi vires tuas experire, cum soli sumus, jam enim fac, ut appareat, quis alteri merito subjici debeat, turpe enim est Regem esse in convivio dicaculum nec esse in prælio promptum: *Et confusus ille statim ad pedes Regis cecidit, simplicis sui vitii veniam precatus est, & consecutus.* Item, *anno Dom.* 985. *successit Regi* Edgaro *Sanctus* Edwardus *Martyr, filius dicti* Edgari, *qui anno regni sui quarto sub noverca sua* Altritha *martyrium passus est, cujus tempore* Scoti *non rebellaverunt.* Item, *anno Domini* 980. *successit Sancto* Edwardo Egelredus *frater ejus, qui regnavit triginta annis, cujus tempore nihil inveniturde rebellione* Scotorum. Item, *anno Domini* 1016. *successit* Egelredo Edmundus Ironside *filius ejus, qui primo anno regni sui apud* Oxoniam *à filio* Erici *Ducis proditiose interfectus est.* Item, *anno Domini* 1017. *Rex* Kanutus Danus *successit in regnum* Angliæ, *qui anno regni sui* 15 Romam *profectus est, & elemosinis peccata redimens eodem anno navigio in* Angliam *rediit; & mox* [f] Scotiam *rebellantem Regemque ipsius* Malcolmum *expeditione illius educta parvo subegit negotio, subditusq; est ei dictus* Malcolmus *Rex* Scotorum, *& alii duo Reges* Melbrache & Germake: *& quod postmodum scriptum invenitur de eodem* Knuto *in Cronicis* Mariani Scoti, Willielmi de Malmesbir. Henr. de Huntingdon, & Radulphi de Diceto *in multis libris;* **Erat Rex** [g] Knutus **Dominus totius** Daciæ, **totius** Angliæ, **totius** Norwegiæ, **et totius** Scotiæ. Item, *Anno Domini* 1035. *successit Regi* Knuto Haraldus *filius ejus, qui regnavit quatuor annis & quatuor mensibus, cujus tempore nihil invenitur de rebellione* Scotorum. Item, *Anno Domini* 1040. *Regi* Haraldo *successit* Hardeknutus *frater ejus, qui cum biennio prater decem dies regnasset, apud* Lamelhethe *mortuus est, cujus tempore nihil invenitur de rebellione* Scotorum. Item, *in Cronicis* Mariani Scoti, Rogeri de Hoveden, Henr. de Huntingdon, Radulphi de Diceto, & Willielmi de Malmesbir. *in multis libris, & etiam in Cronicis Sancti* Albani *sic invenitur; Quod Anno Domini* 1047. *dicto* Hardeknuto *successit* Edwardus, *qui cognominatus est* Justus, *filius* Egelredi *Regis, cujus jussu Dux* Northumbrorum *cum Regis* Scotorum Machiota *prælium comisit,* ipsumque vita et regno spoliavit, et [h] Malcolmum filium Regis Cumbrorum jussu dicti Regis Edwardi Regem Scotorum constituit. *Et alibi in eisdem Cronicis Rex* Edwardus *cognomento* Justus, dedit regnum Scotiæ Malcolmo filio Regis Cumbrorum de se tenendum. Item, *Anno Domini* 1066. Haraldus *filius* Godwinus *Comitis* Cantiæ, *electus fuit in Regem* Angliæ, *qui primo anno regni sui in bello contra* Willielmum *dictum* Bastard. *conquestorem occubuit.* Item, *in Chronicis* Mariani Scoti, Rogeri de Hoveden, & Henr. de Huntingdon *invenitur, quod Anno Domini* 1066. Willielmus *dictus* Bastard. Angliam *est ingressus; & sexto anno regni sui*, Malcolmo *Rege* Scotorum *rebellante*, *per terram & mare exercitum duxit in* Scotiam, *& eidem* Malcolmo *in loco qui dicitur* Abrenithy *occurrit,* & [i] Malcolmus suus homo debenit. *Et in Cronicis Sancti* Albini *invenitur, quod Rex* Willielmus *dictus* Bastardus, recepto a dicto Rege Scotorum Malcolmo homagio et obsidibus, *in* Angliam *est reversus.* Item, *in Cronicis* Mariani Scoti, & Rogeri de Hoveden. *in multis libris invenitur;*

An. 20. *E.* I.

a Annal. pars prior, An 973. p. 426.
b De Gestis Reg. Angl. l. 2. c. 8. p. 59.
c Histor. l. 5. p. 356, 731. Florentius Wigorn. An. 978.
d Simeon Dunelmensis Hist. col. 159. Mat. Westm. Anno 974. p. 375. Ailredus Abbas de Genealog. Regum Angl. col. 359. Chr. Joan. Bromton col. 869. Seldeni Mare Clausum, p. 165.
e Will. Malmesbur. De Gestis Regum Angl. l. 2. c. 8. p. 59.
f Will. Malmesbur. De Gestis Regum Angl. l. 2. c. 11. p. 74. Chron. Johannis Bromton, col. 912.
g Henr. Huntingdon, Hist. l. 6. p. 364. H. de Knyghton de Event. Angl. l. 11. c. 3. col. 2317.
h Simeon Dunelmensis Hist. An. 1054. col. 187. Florentius Wigornensis, Chron. An. 1054. Will. Malmesbur. de Gestis Regum, l. 2. c. 13. p. 79. Henr. Huntindon Hist. l. 6. p. 366. Roger Hoveden. Annal. pars prior, p. 443. Henr. de Knyghton, de Event. Angl. l. 1. c. 11. col. 2333.
i Roger Hoveden. Annal. pars prior, p. 454. Henr. Huntindon Hist. l. 7. p. 369. Will. Malmesbur. De Gest. Reg. l. 3. p. 103. Radulfus de Diceto Abbreviat. Chron. col. 485, 486. Chronicon Johannis Bromton, col. 972. Henry de Knyghton, de Eventibus Angl. l. 1. c. 3. col. 2347. Mat. Paris, & Mat. Westm. Anno 1072. p. 4.

An. 20 E. I. *Quod Anno Domini* 1086. *successit eidem* Willielmo Bastard. Willielmus Ruffus *filius ejus, qui anno* 14. *regni sui rebellante* Malcolmo *Rege* Scotorum & Northumbriam *invadente, cum* Roberte *fratre suo acies in* Scotiam *direxit, cui* Malcolmus *occurrit, & pax inter eos facta est conditione tali,* Ut idem Malcolmus Rex Scotiæ eidem Willielmo [k] Regi Angliæ, sicut patri suo fecerat, obediret. *Et in Cronicis* Henrici de Huntingdon *invenitur, quod* Willielmo *dicto* Ruffo *Rege* Angl. *acies in* Scotiam *dirigente,* Malcolmus *Rex* Scotorum *nimio terrore perterritus,* homo ipsius Regis Willielmi efficitur, et eidem juramento fidelitatis est subjectus. Item *in Cronicis* Mariani Scoti, Rogeri de Hoveden, Willielmi de Malmesbir. & Henrici de Huntingdon *in multis libris invenitur, Quod Anno Domini* 1094. Malcolmo *Rege* Scotorum *interfecto unà cum* Edwardo *primogenito in* Northumbriam *per* Morellum *Militem strenuissimum,* Scoti *elegerunt* Dovenaldum *fratrem ejusdem* Malcolmi *in Regem: Quo audito,* Duncanus *filius* Malcolmi *ad Regem* Angliæ Willielmum, *cujus tunc obses erat, accessit;* et ut sibi patris sui concederet, postulabit, et etiam impetrabit ab eodem, et sibi fidelitatem jurabit, et sic ad Scotiam properabit, & Dovenaldum *patruum suum de regno* Scotiæ expulit, *& loco suo* regnabit. *Et anno sequenti dicto* Duncano *dolosè perempto, dictus* Dovenaldus *iterum regnum* Scotiæ *invasit; quem dictus Rex* Willielmus *de regno* expulit, & Edgarum filium Malcolmi prædicti Regem Scotorum constituit. Item, *in Chronicis* Henr. de Huntingdon *in multis literis invenitur, Quod Anno Domini* 1100. *dicto* Willielmo Ruffo *Rege* Angliæ *successit* Henr. *senior frater ejus; Cujus regni anno septimo* Edgarus *Rex* Scotiæ *decessit: Cui successit* Alexander *frater ejusdem* [l] Edgari de consensu Domini Regis Henrici. Item, *in Cronicis* Mariani Scoti, Rogeri de Hoveden, & Henrici de Huntingdon *invenitur; Quod anno Domini* 1106. *Rege* Henr. *seniore defuncto, successit eidem Rex* Stephanus; *cujus regni anno primo, cum à* David *tunc Rege* Scotorum homagium peteret et fidelitatem, et ipse id ei facere recusabit, quia [m] primus erat omnium Scotorum qui homagium et fidelitatem fecerat Matildi Imperatrici. *Filius tamen ejusdem* David Henr. *nomine* fecit homagium dicto Regi Stephano. Item, *in Cronicis* Rogeri de Hoveden *in multis libris invenitur, quod anno Domini* 1154. *Regi* Stephano *prædicto successit* Henricus *secundus filius Imperatricis, cujus anno regni sui* 11. *obiit* Malcolmus *Rex* Scotorum, *cui successit* Willielmus *frater ejus. Et anno dicti Regis* Henrici *vicesimo primo in crastino Coronationis* Henrici *filii sui* fecit Rex Henr. pater Willielmum Regem Scotorum et David fratrem suum, et Comites et Barones regni Scotiæ debenire homines filii sui Regis Angliæ, et jurare sibi fidelitatem contra omnes homines; salva tamen sibi fidelitate sua, quam eidem prius juraverat. Item, *anno Domini* 1164. *& regni dicti* Henrici *Regis patris vicesimo, dictus* Willielmus *Rex* Scotorum *rebellare incipiens venit in* Northumbriam *cum ingenti exercitu, & stragem magnam exercuit in populo; cui occurrentes Milites Comitatus* Eborum *apud* Alnewyk *ipsum ceperunt, & dicto* Henrico *Regi tradiderunt. Et anno Domini* 1175. 15 *Kal.* Martii, Willielmus *Rex* Scotorum *liber abire permittitur: & eodem anno tertia die post assumptionem beatæ* Mariæ *Virginis, scilicet* 17. *Kal.* Septembr. *apud* Eborum *facta fuit hac conventio & finis inter prædictum* Henricum *Regem* Angliæ *& præfatum* Willielmum *Regem* Scotiæ. *Cujus conventionis & finis in omnibus & per omnia tenor est talis.*

[n] Hæc est Conventio & Finis, quem *Willielmus* Rex *Scotorum* fecit cum Domino suo Domino *Henrico* Rege *Angl.* filio *Matildis* Imperatricis. *Willielmus* Rex *Scotorum* devenit homo ligeus Domini Regis *Angliæ Henr.* contra omnem hominem de *Scotia* & de omnibus aliis terris suis; & fidelitatem ei fecit ut ligio Domino suo, sicut alii homines sui ipsi facere solent. Et similiter fecit homagium *Henrico* Regi filio suo; salva fide Domini Regis patris sui. Omnes verò Episcopi et Abbates et Clerus terræ Regis *Scotiæ* et successores sui facient Domino Regi *Angliæ* sicut ligio Domino fidelitatem, de quibus habere voluerit, sicut alii Episcopi sui facere solent, et *Henrico* Regi filio suo et hæredibus suis. Concessit autem Rex *Scotiæ*, ut *David* frater ejus, & Barones, & alii homines sui Domino Regi *Angliæ*, Quod Ecclesia *Scoticana* talem subjectionem amodo faciet Ecclesiæ *Anglicanæ*, qualem illi facere debet et solebat tempore Regum *Angliæ* prædecessorum suorum. Similiter *Richardus* Episcopus Sancti *Andreæ*, & *Ricardus* Episcopus *Dunkelden.* & *Galfridus* Abbas de *Dunfermelin.* & *Herbertus* Prior de *Goldingham* concesserunt; Quod etiam Ecclesia *Anglicana* illud jus habeat in Ecclesia *Scoticana*, quod de jure habere debet; et

k Simeon Dunelmensis, Hist. An. 1093. col. 218. Flor. Wigorn. An. 1093. Hoveden Annal. pars prior, p. 462, 463, 464. Chron. Johan. Bromton, col. 987, 989, 990, 995. Mat. Paris, & Mat. Westm. Annis 1090, 1092. H. de Knyghton, de Event. Angl. l. 2 c. 6. col. 2365.

l Hen. Huntindon, Histor. l. 7. p. 379. Chron. Johan. Bromton, col. 1003.

m Simeon Dunelmensis, Hist. col. 254, 258. Ricardus Prior Hagustaldensis, de Gestis Regis Stephani, col. 312. Chron Johan. Bromton, col. 1024. Henr. de Knyghton, de Event. Angl. l. 2. c. 9, 10. col. 2384, 2385.

n Roger de Hoved. n. Annal. pars posterior, p. 545, 546. Henr. de Knyghton, de Event. Angl. l. 3. c. 5. col. 2486. Mat. Westm. Anno 1175. p. 52. Mat. Paris, Hist Angl. p. 124.

et quod ipſi non erunt contra jus Eccleſiæ *Anglicanæ*. Et deſicut ligiam fidelitatem Domino Regi *Angliæ* & *Henrico* filio ſuo fecerunt, eos inde aſſecuraverunt. Hoc idem facient alii Epiſcopi et Clerus *Scotiæ* per conventionem inter Dominum Regem *Angliæ*, et Regem *Scotiæ*, et *David* fratrem ſuum et Barones ſuos factam, Comites etiam & Barones et alii homines de terra Regis *Scotiæ*, de quibus Dominus Rex *Angliæ* habere voluerit, facient ei homagium contra omnem hominem, et fidelitatem ut ligio Domino, ſicut alii homines ſui ei facere ſolent; & *Henrico* Regi filio ſuo et hæredibus ſuis; ſalva fide Domini Regis patris ſui. Similiter hæredes Regis *Scotiæ*, et Baronum et hominum ſuorum homagium et ligeantiam facient hæredibus Domini Regis *Angliæ* contra omnem hominem. Præterea, Rex *Scotiæ* & homines ſui nullum amodo fugitivum de terra Domini Regis *Angliæ* pro felonia receptabunt in *Scotia* vel in alia terra ſua, niſi voluerit venire ad rectum in Curia Domini Regis *Angliæ*, et ſtare judicio Curiæ ſuæ: ſed Rex *Scotiæ* & homines ſui quamcitius poterunt eum capient, et Domino Regi *Angliæ* reddent, vel Juſticiariis aut Ballivis ſuis in *Anglia*. Si autem de terra Regis *Scotiæ* aliquis fugitivus fuerit pro felonia in *Angliæ*, niſi voluerit venire ad rectum in Curia Domini Regis *Scotiæ*, vel in Curia Domini Regis *Angliæ*, et ſtare judicio Curiæ, non receptabitur in terra Domini Regis *Angliæ*, ſed liberabitur hominibus Regis *Scotiæ* per Ballivos Domini Regis *Angliæ*, ubi inventus fuerit. Præterea homines Domini Regis *Angliæ* habebunt terras ſuas quas habebant, et habere debent de Domino Rege *Angliæ*, & de Rege *Scotiæ* et de hæredibus ſuis. Et homines Regis *Scotiæ* habebunt terras ſuas quas habebant & habere debent de Domino Rege *Angliæ* & de hominibus ſuis. Pro iſta vero conventione et fine firmiter obſervanda Domino *Henrico* Regi *Angliæ* et *Henrico* filio et hæredibus ſuis à Rege *Scotiæ* et hæredibus ſuis, liberavit idem Rex *Scotiæ* Domino Regi *Angliæ* Caſtellum de *Roksburgh*, et Caſtellum de *Berwyk*, et Caſtellum de *Jedderworth*, et Caſtellum *Puellarum*, et Caſtellum de *Strivelin* in miſericordia Domini Regis *Angliæ*: Et ad cuſtodiendum caſtella illa aſſignavit Rex *Scotiæ* de redditu ſuo menſuraliter ad voluntatem Domini Regis *Angliæ*. Præterea pro prædicta conventione et fine exequenda, liberavit Rex *Scotiæ* Domino Regi *Angliæ* *David* fratrem ſuum in obſidem et Comitem *Duncann.* et Comitem *Waldenn.* et Comitem *Gilbertum*, et Comitem de *Anegoz.* et *Ricardum* de *Morevilla* Conſtabularium et *Neth.* filium *Willielmi*, et *Ricardum Comyn*, et *Walterum Corbet*, et *Walterum Olifard*, et *Johannem de Vaux*, et *Willielmum de Lyndeſeja*, et *Philippum de Colevilla*, et *Philippum de Valoignes*, et *Robertum Fremberd*, et *Robertum de Barneville*, et *Hugonem Giffard*, et *Hugonem Rydell*, et *Walterum de Berkele*, et *Willielmum de la Haye*, et *Willielmum de Mortimer*. Quando vero Caſtella reddita fuerint, *Willielmus* Rex *Scotiæ* et *David* frater ſuus liberabuntur. Comites quidem et Barones prænominati unuſquiſque poſtquam liberaverit obſidem ſuum ſcilicet filium ſuum legitimum quem habuerit, et alii nepotes ſuos vel propinquiores ſibi hæredes, et Caſtellis (ut dictum eſt) redditis, liberabuntur. Præterea Rex *Scotiæ* et Barones ſui prænominati aſſecuraverint, quod ipſi bona fide et ſine malo ingenio ſive occaſione facient, quod Epiſcopi et Barones et homines terræ ſuæ, qui non affuerint quando Rex *Scotiæ* cum Rege *Angliæ* finivit, eandem ligeantiam et fidelitatem Domino Regi *Angliæ* et *Henr.* filio ſuo facient quam ipſi fecerunt; Et quod Barones & homines qui affuerunt obſides liberabunt Domino Regis *Angliæ* de quibus habere voluerit. Præterea Epiſcopi, Comites & Barones conventionaverunt dicto Regi *Angliæ* & *Henrico* filio ſuo, Quod ſi Rex *Scotiæ* aliquo caſu à fidelitate Domini Regis *Angliæ*, & filii ſui, & à Conventione prædicta recederet, ipſi cum Domino Rege *Angliæ* tenebunt ſicut cum ligio Domino ſuo contra Regem *Scotiæ*, donec ipſe ad fidelitatem Domini Regis *Angliæ* redeat. Prædictam itaque conventionem firmiter obſervandam bona fide & ſine malo ingenio Domino Regi *Angliæ* & *Henrico* filio ſuo & hæredibus ſuis à *Willielmo* Rege *Scotiæ*, & *David* fratre ſuo; & à Baronibus ſuis prædictis, & ab hæredibus eorum aſſecuraverit ipſe Rex *Scotiæ* *David* frater ſuus & omnes Barones ſui prænominati deſicut ligei homines Domini Regis *Angliæ* contra omnem hominem, & *Henrici* filii ſui, ſalva fidelitate Domini Regis patris ſui. Hiis teſtibus *Ricardo* Archiepiſcopo *Eborum*, et *Johanne Sarum* Decano, et *Roberto* Abbate *Malmesbir.* et *Radulpho* Abbate de* *Mondesburgh*, & *Herberto* Archidiacono *Norhampton*, & *Waltero* de *Conſtantiis*, & *Rogero* Capellano Regis, & *Osberto* Clerico de *Camera*, & *Ricardo*

An. 20 E. I

* Mundeburgh

do

An. 20 E.1. do filio Domini Regis *Angliæ* Comite *Pictaviæ*, & *Galfrido* filio Domini Regis Comite *Britanniæ*, & Comite *Willielmo Essex.* & *Hugone* Comite *Cestriæ*, & *Ricardo Humett* Constabulario, & Comite de *Molent.* & *Jordano Castion*, & *Humfrido* de *Bohun*, & *Willielmo* de *Curcy* Senescallo, & *Gilberto Malet* Senescallo apud *Faleſiam.*

His itaque recitatis in Ecclesia Sancti Petri Eborum *coram prædictis Regibus* Angliæ, *& etiam Rege* Scotiæ & David *fratre suo, & universo populo*, Episcopi, Comites, Barones et Milites de terra Regis *Scotiæ* juraverunt Domino Regi Angliæ et Henrico filio suo et hæredibus eorum fidelitatem contra omnem hominem sicut ligeis Dominis suis. *Post hanc vero compositionem & finem,* [o] *Anno Domini* 1176. *& regni dicti Regis* Henrici *vicesimo secundo, ad Concilium celebratam apud* Northampto-niam *venit Dominus* Willielmus *Rex* Scotiæ *per mandatum Domini Regis* Angliæ, *adducens secum omnes* Episcopos, Abbates, Priores totius regni sui; *anno vero sequenti proximo, idem* Henricus *Rex* Angliæ *tradidit Castrum de* Roksburgh *in custodia* Willielmo de Storeville, *& custodiam Castri* Puellarum Rogero de Stoteville, *& custodiam Castri de* Berewyk Galfrido de Neville. *Anno vero regni ejusdem* Henrici *Regis vicesimo septimo, idem* Willielmus *Rex* Scotiæ *venit in* Normanniam *per mandatum dicti Regis Domini sui, cujus ammonitione & consilio idem Rex* Scotorum *concessit* Matthæo *Episcopo* Aberden, & Johanni *Episcopo Sancti* Andræ, *quos ipse de* Scotia fugaverat, licentiam repatriandi. *Hæc autem inveniuntur in Chronicis* Rogeri de Hoveden *in multis Libris. Et etiam in Chronicis ejusdem* Rogeri *quod Anno Domini* 1189. *dicto Regi* Angliæ Henr. *successit* Ricardus *filius ejus.* [p] *Quo anno mense* Decembr. *venit* Cantuariam *idem* Willielmus *Rex* Scotorum *ad ipsum Regem* Ricardum et homagium sibi fecit, *cujus tempore* Scoti *non rebellaverunt.* Item *in* [q] *Cronicis ejusdem* Rogeri de Hoveden *in multis libris invenitur, quod Anno Domino* 1199. *dicto Regi* Ricardo *successit* Johannes *frater ejus, qui statim post Coronationem suam misit* Philippum Dunolm. & Rogerum Bigod, *& quosdam alios Nobiles ad dictum* Willielmum *Regem* Scotorum *cum literis Regiis de salvo conductu, & statuit sibi diem veniendi apud* Lincoln. *in crastino Sancti* Edmundi *Regis. Quo die mensis videlicet* Novembris, 8. *Kal.* Decembris, *feria quinta, iidem Rex* Johannes Angliæ & Willielmus *Rex* Scotiæ *convenerunt ad colloquium extra Civitatem* Lincoln. *super montem arduum*, et ibi in conspectu omnis populi idem Willielmus Rex Scotorum devenit homo ligius prædicti Regis Angliæ Johannis, et fidelitatem sibi jurabit super crucem Huberti Cantuar. Archiepiscopi de vita et membro et terreno honore contra omnes homines, et de pace servanda sibi et regno suo. Item *in Cronicis Monasterii de* Bridelington, *& aliis quampluribus invenitur, quod Anno Domini* 1209. *mense* Junii, *apud* Berewicum *super* Twedam *idem Rex* Angliæ Johannes *castrum construxit, & contra* Willielmum *Regem* Scotorum *exercitum suum copiosum congregavit ad debellandum eum pro eo,* quod filiam suam desponsaverat Comiti Boloniæ præter assensum ipsius Regis Angliæ Johannis. *Et in* [r] *Cronicis Monasterii de* Kyngswede Wygorn. *Dioc. invenitur, quod eodem anno pace inter ipsos Reges reformata; cito idem Rex revertebatur in* Angliam, datis sibi duabus filiabus dicti Regis Willielmi in obsidibus. Item *in* [s] *Cronicis Monasterii Sancti* Albani *invenitur, quod Anno Domini* 1216. *dicto Regi* Angliæ Johanni *successit* Henricus *filius suus; cujus regni anno tricesimo quinto, idem Rex* Henricus *cum Regina sua* Angliæ, *& multitudine Prælatorum* Angliæ *apud* Ebor. *congregati in festo Nativitatis Domini, tractarunt de Matrimonio contrahendo inter* Alexandrum *Regem* Scotorum *filium dicti* Willielmi Regis, & Margaretam *filiam dicti Regis* Henrici. *Et in die Sancti* Stephani *proximo sequente idem Rex* Alexander *dictam* Margaretam *solempniter desponsavit. Et eodem die* fecit idem Alexander homagium dicto Regi Angliæ Henr. *Et commissa est dicta Regina* Scotiæ *tutelæ* Roberti de Ros & Johannis de Balliolo, *& etiam regnum* Scotiæ *cum Rege* Alexandro *prædicto de consilio Magnatum utriusque regni.* Item *in quadam Charta Regis* Scotiæ Edgari *filii* Malcolmi *facta Ecclesiæ* Dunolm. *inter cætera continetur*; Quod idem Rex Edgarus recognoscit se possidere totam terram de Louneys et etiam Regnum Scotiæ de dono Domini sui Willielmi Regis Angl. *Et in carta* Willielmi *Regis* Scotorum *facta dicto Regi* Angliæ Johanni *continetur*; *Quod idem Rex* Willielmus *concessit carissimo Domino suo Domino* Johanni *Regi* Angliæ, *quod maritet dictum* Alexandrum *filium suum* sicut hominem suum ligium, ubicunque voluerit ad fidem, ita quod non disparagatur. *Et etiam similiter, quod quicquid de*

ipso

o Roger de Hoveden, p. 550. Polychr. l.7. c.23. Hen. de Knyghton, de Eventibus Angl. l.2.c.12. col. 2356.

p Roger de Hoveden, p. 662 Radulfus de Dic.to, Ymag. Hist. col. 649. Chron. Johan. Bromton, col. 1167. Mat. Paris, Hist. Angl. p. 149. Matth. Westm. An. 1189. p. 63.

q Chron. Johan. Bromton, col. 1183, 1284. Henr. de Knyghton de Eventibus Angliæ, l. 2. c. 14. col. 2414.

r Mat. Paris, Hist. Angl. An. 1209. p. 218. Mat. Westm. p. 87.

s Mat. Paris, p. 431.

An. 20 *E.* 1.

ipso contingat, idem Willielmus *Rex* Scotiæ & Alexander *filium suus*, Henrico *filio Regis* Angliæ Johannis tanquam ligio Domino contra omnes mortales fidem et fidelitatem tenebunt, et juvabunt eum pro viribus suis ad tenendum ipsum in Regno suo; salva fide sua qua prædicto Regi Angliæ Johanni tenebantur. Item *in quibusdam literis Apostolicis sub nomine fœlicis recordationis Domini quondam* Honorii *Papæ tertii conceptis, & ipsius bulla plumbea more* Romanæ *Curiæ penden. bullatis, inter cætera continetur*; Ad hæc Regi Scotorum ipsum Regem Angliæ Dominum suum nequiter impugnanti, ac propter hoc excommunicationis vinculo innodato, &c. Item, *& in quibusdam aliis literis Papalibus sub nomine fœlicis recordationis Domini quondam* Gregorii *Papæ noni conceptis, & bulla sua plumbea more* Romanæ *Curiæ penden. bullatis Regi* Scotiæ *directis, similiter inter cætera continetur*; *Quod jamdudum inter claræ memoriæ* Henricum *avum*, & Johannem *patrem Regis* Angliæ *ultimi ex parte una*, & Willielmum *Regem* Scotorum *ex altera, Compositio amicabilis intercessit; per quam ipse* Willielmus *prædictis avo & patri & eidem Regi* Angliæ, *ac* Alexander *Rex* Scotiæ *filius ejusdem* Willielmi *Regibus* Angliæ Johanni & Henrico ligium homagium, et fidelitatem fecerunt, quæ tenentur successores eorum et Comites et Barones Regni Scotiæ ipsis et suis successoribus exhibere, ac Comites et Barones esse cum Regibus Angliæ contra Reges Scotiæ, si compositionem eandem forsitan non servarent. Item, *idem* Gregorius *similiter in suis literis sub nomine suo conceptis, & bulla sua plumbea more* Romanæ *Curiæ pendent. bullatis, inter alia scribit Archiepiscopo* Eborum. & *Episcopo* Carleolen. quod moneant et inducant dictum Regem Scotiæ suprædictam amicabilem Compositionem observare. Item, *ad hæc in aliis ejusdem Papæ* Gregorii *noni literis dicto Regi* Scotiæ *directis inter cæteras continetur*; Quod cum idem Rex Scotiæ homo ligius sit ipsius Henrici Regis Angliæ, et eidem fidelitatis præstiterit juramentum, quo se principaliter astrinxit, quod in ipsius Regis Angliæ et regni sui detrimentum nihil penitus debeat attemptare, &c. Item, Clemens *Papa scribens* Henrico *Regi* Angliæ *pro* Johanne *Episcopo Sancti* Andrææ *expulso ab Episcopatu suo per Regem* Scotiæ, *inter cætera sibi mandat, quod* Willielmum *Regem* Scotiæ *moneat & inducat*, et si necesse fuerit, districtione Regali, qua ei præeminet et concessa suæ Regiæ Celsitudini potestate compellat, ut dicto Episcopo omnem rancorem remittat, ipsumque Episcopatum suum habere permittat in pace. Item, *in quodam libro de vita & miraculis beati* Johannis *de* Beverlaco, quæ sunt per Romanam Curiam approbata, *similiter inter cætera reperitur. Regnante inclito Rege* Adelstano *viro Catholico qui Monarchiam totius* Angliæ *tenuit*, Scotorum *Rex cum suis transito flumine qui dividit* Angliæ *regnum à* Scotia, *cæpit depopulare villas, homines exterminare, agros depredare, & (ut verum fatear) totam regionem in exterminium conabatur deducere in Septentrionali parte* Angliæ. *Quod cum fama volante præfatus Rex comperisset, congregato exercitu statuit (quam citius enim potuit) armata manu ei occurrere. Provisisque interim necessariis propositum carpebat iter. Cumque in provincia* Lincoln. *devenissent, quidam ovantes tam pauperes quam mediocres obvii sibi facti sunt; Quos cum interrogasset, quæ esset causa tanti gaudii, & unde venirent? responderunt, quod de* Beverlaco *venirent, ubi sanctus* Johannes *Confessor quosdam ex eis variis infirmitatibus oppressos gratia Dei sanos effecerat; & hæc erat causa tantæ letitiæ. Et inde progrediens iterum alios catervatim venientes obvios habuit; quos cum similiter requisivit, unde venirent? Illi vero responderunt, quod de* Beverlaco *ubi quosdam ex eis vel mutos, vel claudos, cæcos vel surdos mira Dei potentia sanctus Dei Confessor sanaverat. Cumque Rex venerandum hunc Confessorem in tanta veneratione habitum, & per Deum tanta operari valuisse comperiret, habito consilio cum suis, dixit se debere talem patronum adire, ut sibi in instanti negotio subveniret. Transmisitque suum exercitum per occidentalem regionem versus* Eborum, *ut eum sibi præstolarentur, ipse vero transito flumine* Humbre *venit* Beverlacum, *procumbensque in oratione in Ecclesia coram Altare in præsentia reliquiarum venerandi confessoris, devoto animo prolixius orabat. Exurgensque deinde ab oratione coram adstantibus tam Clericis quam Laicis & asultantibus, talem orationem exorsus est, dicens.* O glorioſe Confeſſor *Johannes* qui tot virtutibus & ſignis refulges (ut fama refert) precor te ut mihi ſubvenire digneris per interceſſionem tuam apud Deum in inſtanti negotio, ut inimicorum infeſtationem pernoxiam, te patrocinante, exſuperare queam. *Et continuò extrahens cultellum ſuum de vagina poſuit ſuper altare, dicens*; Ecce vadium meum coram te pono, quod te auxiliante vita comite rediens recipiam, ita quod

Eccleſiam

An. 20 R. 1. Ecclesiam tuam honorificabo & redditibus augebo, si Dei nutu tuoque suffragio holtes debellare quivero. *Custodes vero Ecclesiæ qui aderant, suggesserunt sibi, ut signum aliquod inde secum in monumentum assortaret. Et fecit quoddam ve\illum sibi de eadem Ecclesia proferri, consignans se ad suum exercitum reversus est. Cumque* Scoti *audissent* Anglorum *exercitum advenire, non sunt ausi eos in finibus eorum expectare; nec campestri bello eis resistere, sed transfretaverunt Flumen quod dicitur* Scotorum *vadium, ut ibi infra proprios terminos securius se in bello ad resistendum parare possent. Rex vero* Adelstanus *cum omni exercitu* Angliæ, *cum ad Flumen pervenisset, didicit* Scotos *transisse, & præcepit suis super ripam fluminis sua tentoria figere, ibique aliquantulum pausare. Subsequenti nocte quiescentibus cunctis cum suo Rege, talis visio eidem Regi apparuit cæteris dormientibus, & omnino ignorantibus. *Videbatur enim ei, quod quidam Pontificali habitu indutus coram se adstaret, sibique diceret; Adelstane* Rex, fac tuos in crastinum præparari, ut transeant flumen istud ad debellandum contra *Scotos. Cumque interrogaret Rex,* Quisnam esset qui talia sibi diceret? *Respondit qui astabat,* quod ipse esset *Johannes*, cujus precibus expetierat se protegi, cum *Beverlaci* in ejusdem Ecclesia oraret. *Subinde statim intulit*; Noli timere cum exercitu transire armato; nam debellabis eos; hoc enim tibi nunciare veni. *Mane itaque facto curavit Rex suis visionem patefacere, & de victoria certificare. Qui lætantes animati sunt ad certamen; & transfretavêre flumen.* Scotos *vero invenerunt cum suo Rege paratos ad resistendum. Commissoque gravi prælio, multi ex* Scotis *perierunt, vivus autem vix ipsorum Rex effugit ad totius regni confusionem & desolationem. Quo viso, Rex* Angliæ *lætus effectus gratias egit Deo, venerandoque Confessori, videlicet* Johanni *suo intercessori*, totumque regnum continuo suo subjugavit imperio, *contuens & perlustrans cunctas illius terræ provincias, principes & præpositos urbium, indicens eis*, ut tributa sibi suisque successoribus, scilicet *Anglia* Regibus, ex debito persolverent. Septem etiam Insulas adjacentes atque bicinas sibi serbire compulit; et tam diu in illis partibus commoratus est, quod jam tres anni finirentur. Jamque rebertens per loca maritima juxta *Dunbar* vidit Scopulos prominere. Aspicit, taliaque suspirans eloquia protulit, *dicens*; Si Deus, interveniente beato *Johanne* mihi aliquod signum evidens facere permittat, quatenus tam succedentes quam præsentes cognoscere possent *Scotiam Anglorum* regno jure subjugari utpote devictum ab *Adelstano* Rege, sibique et suis successoribus tributum omni tempore debere persolvere, non immeritò illi devotè gratias agerem. **Et extrahens gladium de vagina percussit in scilicem, quæ adeo penetrabilis (Dei virtute agente) fuit gladio, quam si eadem horâ lapis butyrum esset, vel mollis glarea, qui lapis ad ictum gladii ita concavatur, ut mensura ulna longitudine possit coaptari,* et usque ad præsentem diem evidens signum patet, quod *Scoti* ab *Anglis* debicti et subjugati, monimento tali evidenter cunctis adeuntibus demonstrante. Item, de homagio Domino Regi Angliæ debito de terra Galwydiæ *subscripta inveniuntur*; *anno Domini* 1185. *mense* Augusto *apud* Carleolum, Rolandus Galwydiæ *Dominus, illuc, ut jussus fuerat, Domino Regi occurrens, in deditionem sponte venit; veritus tamen (ut creditur) exercitus multitudinem quam ad debellandum cum Rex ipse adduxerat, nisi maturiùs captam contumaciam reliquisset.* Recepto itaque Homagio ipsius Rolandi de Gawydia, simul et Comitis David fratris Willielmi tunc Regis Scotiæ de omnibus terris, quæ tenebat, *demisitque Rex exercitum suum & in* Angliam *festinavit. Anno regni Regis* Henrici *vicesimo secundo* Gilbertus *filius* Fergus *princeps* Galwennorum *venit in* Angliam *in conductu Regis* Scotiæ, et devenit homo ligius Henrici Regis patris, et fidelitatem sibi jurabit contra omnes homines. *Et pro amore ipsius habendo*, dedit Regi mille marcas argenti, et Duncanum filium suum in obsidem, de pace sibi serbanda.

Anno Domini & Indictione prænotatis, mensis Junii *die secundo* (after this Historical Declaration of the Kings Superior Dominion to *Scotland* made and published,) *congregatis ex opposito Castri de* Norhm. Dunolm. *Dioc. ex alia parte Fluminis de* Tweda *in quadam area viridi, in parochia de* Upsetlyngton *Sancti* Andrææ *Dioc. prælatis Episcopis, Prælatisque aliis Ecclesiasticis dicti regni* Scotiæ, *una cum Comitibus, Baronibus, aliisque Nobilibus de communitate dicti regni, necnon & Nobilibus viris, jus ad dictum regnum vendicantibus*, præfatus Rex Angliæ illustris in dicto Castro de Norhm. existens, *venerabilem in Christo patrem Dominum* Robertum *Dei gratia* Bathon. & Wellen. *Episcopum, ponensque verba sua in ore ipsius, ipsum ad subscripta*

* Ethelredus Abbas, de Genealogia Regum Angl. col. 357.

* Chron. Johann. Bromton, col 838. Henr. de Knyghton de Eventib. Angliæ, l. 3. c. 4. col. 2484, 2485.

ſcripta organum ſuum conſtituens, præfatis Epiſcopis, Prælatiſque aliis Eccleſiaſticis Comitibus, Baronibus & Nobilibus de communitate dicti regni Scotiæ *deſtinavit. Qui cum ad ipſos veniſſet, ſtatim quæſivit ab eiſdem* nomine, et vice, ac de mandato ſpeciali dicti Regis Angliæ, *ut dicebat*, quid jam ſuper dilatione ſuprascripta, quam alias, ut præmittitur, a dicto Domino Rege Angliæ petierant, et eiſdem conceſſa fuere ut petebant per eundem, feciſſent; *& hoc vicibus iteratis*, et an aliqua dicere, exhibere, proponere, vel etiam oſtendere voluiſſent, quæ ipſum Dominum Regem Angliæ a jure Superioritatis et directi Dominii regni Scotiæ, ejuſque exercitio et executione excludere poterant et de jure debebant, et quod ea, ſecundum quod dies deſiderabat, proponerent et etiam exhiberent, ſi ſibi crederent expedire: proteſtans ſe paratum eſſe nomine dicti Regis Angliæ et velle ea benigne audire, et ipſis quatenus juſtum fuerit allocare, vel ea Domino Regi Angliæ ſuoque conſilio referre; ut ipſe ſuper hiis, quid de jure faciendum fuerit, deliberare valeret, et facere, quod juſtitia requirebat; *Ipſiſque licet pluries ſuper hoc requiſiti*, omnino tacentibus, nihilque dicentibus, exhibentibus, oſtendentibus, vel etiam proponentibus, *eiſdem ex parte dicti Domini Regis* Angliæ *& ejus nomine, ſubſcripta ſibi injuncta dicenda (ut dicebat) organo vocis ſuæ (ſermone tamen* Gallico) *dixit & expoſuit, hunc tamen habentia ſententialiter intellectum.* *An.* 20 E. I.

Excellentiſſimus Princeps & Dominus noſter, Dominus *Edwardus* Dei gratia Rex *Angliæ* illuſtris, Superior et directus Dominus regni *Scotiæ*, deſolatum ſtatum ejuſdem perpendens, & ex Principis ſive Regis ſui deſtitutione condolens, & pericula, quæ etiam regno hiis diebus per diſſenſiones Magnatum ejuſdem, quorum quilibet jus ſucceſſionis ſibi competere vendicat, & ſuper hoc ad invicem contendunt, provenire poterunt, conſiderans: ob affectionem zeli & deſiderium boni, quod habebat & habet ad dictum regnum & incolas ejuſdem, & præcipuè ad ipſos quorum tuitio & defenſio ad eum ſpectare dinoſcitur, & ut diſcordantes ad concordiam reducat, lites, quæſtiones & jurgia, quæ inter Nobiles prædictos jus ad idem regnum ſibi competere vendicantes, audiret & fine debito terminaret, & tranquillitatem & pacem in dicto regno conſervaret, & unicuique petenti juſtitiæ faceret complementum, nuper nonnullos regni *Scotiæ* Epiſcopos, Prælatoſque alios, Comites, Barones, & Nobiles alios in multitudine copioſa convocavit; & per ſuas certi tenoris literas mandavit eiſdem, ut in quindena *Paſchæ* proximo præterit. apud *Norhm. Dunolm.* Dioc. in confinio *Angliæ* & *Scotiæ* regnorum convenirent cum ipſo, ſuper quibuſdam ipſos & ſtatum regni *Scotiæ* tangentibus tractaturi; ad quem locum in termino ſtatuto ſe ſignificabat perſonaliter declinaturum. Quo termino adveniente, ipſoque Domino noſtro Rege in loco prædicto exiſtente, vos Epiſcopi, Prælatique alii Eccleſiaſtici, Comites, Barones, & Nobiles alii dicti regni *Scotiæ* juxta formam & effectum mandati Domini Regis vobis directi ad eundem locum accedentes, requiſitionem quandam recognitionis benivolæ juris ſui Superioritatis et directi Dominii regni *Scotiæ*, quod ſuum eſſe dicebat, et in cujus poſſeſſione, vel quaſi progenitores ſui *Angliæ* Reges, a tempore cujus contrarii memoria non exiſtit, fuerint, et adhuc ipſe eſt, quod per nonnullas rationes evidentiſſimas et per ſcripturas antiquas approbatas, proceſſus atque cronicas in diverſis utriuſque regni Monaſteriis compertas, certaque alia documenta evidenter et ſufficienter vobis ibidem oſtendebat, et oſtendere ſemper eſt paratus: tamen ex habundanti vos requiſivit, ut ipſum ſuperiorem et directum veſtrum Dominum recognoſceretis, et eidem ſicut anteceſſores et progenitores veſtri ſuis anteceſſoribus et progenitoribus *Angliæ* Regibus fecerunt, pareretis, ſicut decet; adjiciensque, quod ſi qua haberetis, quæ ipſum a jure ſuo prædicto ſuperioritatis et directi Dominii hujuſmodi exercitio ſeu executione ejuſdem excludere de jure poſſent vel deberent, et rationes ſuas et documenta pro jure ſuo adducta per validiora et efficaciora enervare vel etiam infirmare, quod paratus erat ea benigne audire, admittere et approbare, quatenus de jure fuerant approbanda et etiam allocanda; Qua requiſitione vobis (ut præmittitur) facta, vos terminum ſibe diem ſufficientem ad conſulendum Epiſcopos aliosque Prælatos Eccleſiaſticos, Comites, Barones, et alios Nobiles ac communitatem regni *Scotiæ* tunc abſentes petebatis, et ad hæc faciendum, et ad exhibendum, oſtendendum et proponendum munimenta vel ſcripta, ſeu alia quæbis documenta ſi quæ haberetis, quæ ipſum Dominum noſtrum Regem a jure ſuo prædicto repellere poſſent, et rationes et jura pro ſe adducta enervare, vel etiam per

An. 20 *E.* 1. validiora et efficaciora infirmare, ad vestram instantem petitionem præcise et peremptorie obtinuistis, et diem hodiernum vobis ad hoc (ut præmittitur) concessum, præfixum et assignatum admisistis; Vosque jam in isto termino peremptorio pluries nomine et vice ipsius Domini nostri Regis *Angliæ*, et ex parte sua per nos *Robertum Bathon.* et *Wellen.* Episcopum requisiti, nihil omnino proponitis, nec ostenditis, nec aliquis vestrum contra præmissa pro jure suo adducta et vobis ostensa proponit vel ostendit. Idcirco vobis omnibus et singulis tam Episcopis, Prælatisque aliis Ecclesiasticis, quam Comitibus, Baronibus, Nobilibus et Magnatibus aliis de Communitate dicti regni Scotiæ his congregatis, idem Dominus noster Rex *Angliæ* per nos *Robertum Bathon.* et *Wellen.* Episcopum insinuat et denunciat; quod cum ex parte vestra per vos vel vestrum aliquem nihil sit propositum, exhibitum vel ostensum, quod Jus, executionem seu exercitium Juris sui hujusmodi Superioritatis et directi sui Dominii prædicti debeat aliqualiter impedire; intentionis suæ est jure suo prædicto uti, et in ipso negotio inter contendentes de jure successionis regni *Scotiæ* procedere, ratione Superioritatis et directi Dominii, quod est suum, ad cognoscendum, discutiendum et diffiniendum singulariter de jure singulorum Jus ad dictum regnum *Scotiæ* sibi competere vendicantium, et eorum unicuique justitiæ facere complementum. Idcirco ex parte dicti Domini nostri Regis, *Angliæ* et de ipsius mandato speciali, incipiendo a vobis Domino *Roberto de Brus* Domino *Vallis Anandiæ*, *qui inter alios jus succedendi in regnum* Scotiæ *sibi competere vendicantes*, jus vobis competere dicitis, interrogando quærimus hic in præsentia istorum Prælatorum, Comitum, Baronum, et aliorum Nobilium utriusque regni hic existentium, an super petitione Juris vobis competentis ad dictum regnum velitis coram ipo Rege *Angliæ*, utpote Superiori et directo vestro Domino regni Scotiæ, stare juri, et ab eo petere, respondere et recipere justitiæ complementum? *Qui statim publicè, palam & expressè in præsentia omnium & singulorum ibidem præsentium, meique Notarii infrascripti respondens dixit organo vocis suæ*, nemine contradicente, vel reclamante; quod Dominum Regem Angliæ recognovit Superiorem et directum Dominum dicti regni Scotiæ, et concessit se velle stare juri coram ipso super jure sibi competenti ad regnum prælibatum, et ab ipso et coram ipso, utpote Superiori et directo Domino suo regni Scotiæ, petere, respondere et recipere in hac parte justiciæ complementum. *Quo facto idem Pater* Bathon. & Wellen. *Episcopus, ad nobilem virum Dominum* Florentium *Comitem* Holandiæ *se convertens, ab eodem nomine & mandato speciali ipsius Regis* Angliæ, *ut supra à dicto Domino* Roberto *de* Brus, *& eodem modo quæsivit & etiam interrogavit*; *Qui sicut Dominus* Robertus *de* Brus in omnibus et per omnia organo vocis suæ statim respondit; ipsumque dictum Regem Angliæ Superiorem et directum Dominum regni Scotiæ palam et expresse recognobit, et concessit se velle stare juri coram ipso, utpote coram Superiori et directo Domino Scotiæ, super jure sibi competenti ad regnum Scotiæ prælibatum, et ab eo et coram eo petere, respondere et recipere in omnibus et per omnia, quod consideratum sibi fuerit in hac parte. *Eodem modo idem Episcopus statim ibidem à nobili viro Domino* Johanne de Hastinges *nomine dicti Domini Regis* Angliæ, *& de ipsius mandato speciali, ut supra, interrogando quæsivit ibidem, an ipse super jure sibi competenti ad ipsum regnum* Scotiæ *vellet stare juri coram dicto Domino Rege* Angliæ, ut Superiori et directo Domino regni Scotiæ, et ab ipso et coram ipso petere, respondere et recipere in omnibus, quod Curia sua consideraberit? *Qui statim palàm & expressè* organo vocis suæ recognovit eundem Regem Angliæ Superiorem et directum Dominum ipsius regni Scotiæ, et concessit se velle stare juri coram ipso super jure sibi competenti ad ipsum regnum, et ab ipso et coram ipso petere, respondere et recipere quod est justum. *Ad hæc statim ibidem nobilis vir Dominus* Patricius de Dunbar *Comes de* Marchia, *& Nobilis viri Dominus* Willielmus de Ros, *& Dominus* Walterus de Huntrecome *Procur. seu Attornatus Domini* Willielmi de Vescy *pro ipso Domino* Willelmo, Robertus de Pinkny, *& Dominus* Nicholaus de Coules *Milites*, eorum quilibet per se petit admitti in petitione juris, quod quilibet se habere dicebat ad succedendum in ipsum regnum Scotiæ; *Qui inquisiti ut supra, & interrogati per eundem* Bathon. & Wellen. *Episcopum*, quilibet eorum singillatim per se, an vellet stare juri super petitione juris, quod se habere credebat in successione dicti regni Scotiæ, et petere, respondere et recipere coram ipso et ab ipso tanquam Superiori et directo suo Domino ipsius regni, quod consideratum sibi fuerit in eventu:

tu? *respondérunt palam & expresse singillatim*, sicut interrogabantur, coram omnibus ibidem præsentibus Nobilibus et Prælatis, nemine contradicente vel reclamante, quod ipsum Dominum Regem Angliæ superiorem et directum Dominum dicti regni Scotiæ recognoverit, et se velle stare juri coram eo super jure successionis, quod sibi competere credebant ad regnum prælibatum, et ab ipso et coram ipso petere, respondere et recipere quod Curia sua eis conſiderare voluerit in eventu. *Insuper Nobilis vir Dominus* Thomas Ranulphi *Miles, Domini* Johannis de Balliolo *absentiam Domini sui excusavit, & dixit, Dominum suum præfixionem seu assignationem illius diei ad faciendum ea quæ tunc fiebant totaliter ignorare; dixit etiam*, dictum Dominum suum in successione juris ad dictum regnum Scotiæ præ omnibus aliis petentibus pinguius jus habere, et petiit se admitti nomine Domini sui, et Dominum suum in personam suam ad petendum jus suum inter alios ibidem; et ipsum Dominum suum in crastino in personam propriam admitti, et audientiam debitam super jure sibi competenti ad idem regnum eidem concedi. *Acta ex opposito Castri de* Norhm. *ut præmittitur, anno, indictione, mense, die & loco proximo prænotatis. Præsentibus venerabilibus in Christo patribus Dominis Dei gratia* Antonio Dunolm. Willielmo Elien. Willielmo Sancti Andræ, Roberto Glascuen. & Marco Sodorensi *Episcopis; ac Nobilibus viris Dominis* Willielmo de Valenc. Penbrok. Henrico de Lacy Lincoln. Rogero Bigott Northfolch. & *Marescallo* Angliæ, Dovenaldo de Mar, Gilberto de Anegoz, & Roberto de Brus de Caryk, *Comitibus; ac venerabilibus & discretis viris Magistris* Henr. Ebor. Johanne Lichf. Thoma Wellen. & Andræa Exon. *Ecclesiarum Decanis*; Willielmo Ebor. Waltero Wellen. Petro Exon. Thom. Suthfolch. *in Ecclesia* Norwicen. Durando Stoneie *in Ecclesia* Lincoln. & Roberto Cestriæ *in Ecclesia* Lich. *Archidiaconis; ac Nobilibus viris Dominis* Theobaldo de Verdon. Thom. de Berkle, Hugone le Despenser, Waltero de Bello Campo, Willielmo de Sancto Claro, Patricio de Graham, Willielmo de Moravia, Ricardo Syward, Galfrido de Moubray, Mich. de Wymes, Waltero Curry, & Willielmo de Monte Revelli, *Militibus; ac Magistro* Johanne Erturi de Cadomo *Notar. public.* testibus ad præmissa vocatis specialiter et rogatis, cum aliis utriusque regni Nobilibus et Prælatis, Militibus et Proceribus aliis, Clericis et Laicis in multitudine copiosa.

Anno Domini & Indictione prænotatis, dicti mensis Junii, *die tertia, congregatis in loco proximo suprascripto dicti regni* Scotiæ *Nobilibus & Prælatis, sicut die proximo præcedenti, accessit ad ipsos ex parte dicti Domini Regis* Angliæ *venerabilis pater Dominus* Bathon. & Wellen. *Episcopus, in cujus ore idem Rex* (*sicut aliàs*) *verba sua posuerat, ipsum organum suum constituens, eisdem eadem, quæ die proximo præcedenti, nomine dicti Regis intimavit, & qua fiebant coram ipsis iterato recitavit per ordinem seriatim. Et quia Nobilis vir Dominus* Johannes de Balliolo, *qui actis diei hesternæ non interfuit, nunc præsens erat ibidem*, et se dicebat præ omnibus aliis regnum Scotiæ petentibus pinguius jus habere, petens se cum effectu ad prosecutionem juris sui inter alios admitti, et audientiam debitam sibi concedi; *ad interrogationem dicti patris sibi ex parte Domini Regis* Angliæ *factam*, an vellet stare juri coram ipso Domino Rege, ut superiori et directo Domino regni Scotiæ, et ab ipso et coram ipso petere, respondere et recipere justitiæ complementum? *Respondit sicut & cæteri Nobiles suprascripti*, recognoscens palam organo vocis suæ, dictum Dominum Regem Angliæ superiorem et directum esse Dominum dicti regni Scotiæ, et se velle coram ipso gratanter stare juri, et petere, respondere et recipere in omnibus ipsum tangentibus quod justitia suaderet. *Quibus sic factis, ex parte dicti Domini Regis idem Pater præcepit eisdem omnibus & singulis tam Nobilibus quàm Prælatis, & aliis de Communitate regni* Scotiæ *ibidem congregatis, quod statim ad Ecclesiam parochialem de* Norhm. *accederent, & coram Domino Rege convenirent*, voluntatem suam auditurí. *Quibus coram ipso Domino Rege* (*ut præmittitur*) *in dicta Ecclesia parochiali de* Norhm. *congregatis, venerabilis pater Dominus* Bathon. & Wellen. *Episcopus, ibidem ex parte Domini Regis ipsiusque* nomine, vice et mandato, *eadem verba quæ die prox. præcedenti coram ipsis recitavit* (*lingua tamen* Gallica) *hunc habentia sententialiter intellectum.*

Serenissimus Princeps & Dominus noster Dominus *Edwardus* Dei gratia Rex *Angliæ* illustris, superior et directus Dominus regni *Scotiæ*, desolatum statum ejusdem perpendens, & ex principis destitutione turbatum considerans, & nonnulla

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An. 20 *E.* I. pericula quæ eidem regno per dissentiones Magnatum ejusdem, qui jus sibi vendicant successionis ad illud, & etiam se habere contendunt, poterunt pervenire, ob affectionem & zelum quem habebat & habet erga dictum regnum & ipsius incolas, & præcipuè ad universos & singulos, quorum tuitio & defensio ad eum spectare dinoscitur; & ad faciendum cuilibet petenti justitiæ complementum, & tranquillitatem & pacem inter regnicolas & Nobiles prædictos contendentes conformandam, nuper nonnullos Episcopos, Prælatosque alios Ecclesiasticos, Comites, Barones & Nobiles dicti regni *Scotiæ*, (sicut pluries coram vobis recitavimus) ipsius nomine & pro ipso fecit per suas certi tenoris literas ad locum istum in confinio regnorum situatum (ut vestris parceret laboribus & expensis) congregari, ibidemque suum **Parliamentum** statuit & indixit; ad quem locum in termino statuto sicut promisit personaliter declinavit, sicut nostis. Cumque inter alia in **dicto Parliamento** dicta, ex parte Domini nostri Regis petitio quædam vobis ex habundanti facta fuisset, **de recognitione vestra benivola Superioritatis et directi Dominii regni *Scotiæ*, quod suum est, sicut per nonnullas rationes manifestas et certa documenta et munimenta quamplura vobis ostendebat, in cujus possessione juris vel quasi progenitores sui *Angl.* Reges a tempore cujus contrarii memoria non existit fuerint inconcusse.** Ad quam petitionem respondere illa vice distulistis, petentes cum effectu diem vobis concedi ad deliberandum & consulendum cum absentibus dicti regni Nobilibus ac Prælatis, ac Communitate ejusdem regni, super responsione facienda dictæ petitioni; ac ipse vestris precibus inclinatus diem hesternum, vobis concessit, statuit & præfixit ad tractandum, deliberandum & consulendum cum dictis absentibus Nobilibus & Prælatis, ac Communitate prædicta super præmissis, & illo die præcisè & peremptoriè respondendum petitioni memoratæ, ulteriusque eodem die proponendum, exhibendum & ostendendum jura, scripta, rationes, munimenta, & alia quævis documenta si quæ haberent, **per quæ possent ipsum Dominum nostrum Regem a jure suo prædicto Superioritatis et directi Dominii hujusmodi excludere, et rationes et jura pro se adducta per valitoria infirmare; vosque in termino vobis ad præmissa statuto et præfixo hesterna die videlicet, insimul congregati, et per nos ex parte Domini nostri Regis, et de ipsius injuncto speciali vicibus iteratis, et hodie in eodem loco quo heri interrogati, quidnam super dicta dilatione quam petebatis fecissetis: et, an aliqua dicere, proponere vel exhibere velletis, quæ ipsum Dominum nostrum a jure suo prædicto repellere possent, aut de jure deberent: nihil omnino dixistis, proposuistis vel exhibuistis. Quare idem Dominus noster Rex adhuc vobis omnibus et singulis hic præsentibus, sicut pluries per nos insinuari fecit et denunciari: ita in præsentiarum coram ipso vobis insinuat et denunciat, quod intentionis suæ est, dicto jure suo uti, et in ipso negotio inter contendentes procedere jure Superioritatis et directi Dominii hujusmodi quod est suum, ad cognoscendum, discutiendum et diffiniendum de jure singulorum jus ad dictum regnum *Scotiæ* vendicantium.** Et quia quidam dicti regni Nobiles, & etiam aliunde de jure successionis hujusmodi contendentes, hesterna die & hodierna, per nos ex parte Domini nostri Regis, & de ipsius mandato speciali interrogati fuissent singillatim, **eorum quilibet per se in præsentia Prælatorum et Nobilium utriusque regni, et aliorum quamplurium de Communitate regni *Scotiæ* ibidem præsentium, an super jure successionis, quod se credebant habere ad dictum regnum *Scotiæ*, vellent stare juri coram Domino nostro Rege *Angliæ* tanquam superiori et directo Domino ejusdem regni, et ab ipso et coram ipso petere, respondere et recipere quod justum fuerit in eventu; ac dicti Nobiles palam et expresse coram ipsis Nobilibus et Prælatis, ac aliis de Communitate dicti regni *Scotiæ*, nemine contradicente vel reclamante, recognoverunt organo vivæ vocis dictum Regem *Angliæ* superiorem et directum Dominum regni *Scotiæ*, et concesserunt, se velle gratanti animo stare juri coram ipso, utpote superiori et directo Domino dicti regni *Scotiæ*, et ab eo et coram eo petere, respondere et recipere in omnibus et per omnia super jure sibi competenti ad dictum regnum quod justitia suaderet.** Unde nos præmissa & eorum singula omnibus & singulis utriusque regni Nobilibus & Prælatis, ac aliis hic præsentibus, ex parte ipsius Domini nostri Regis hic in sua præsentia & nomine suo dicimus, **quod in summa, hoc est intentionis et voluntatis suæ statutum, quod dissentionum et discordiarum omnimodarum sublatis materiis, pax et tranquillitas in ipso regno vigeat, et ipsius incolæ divino**

auxilio

aurilio mediante, vera et firma concordia perfruantur; nec intendit aliqua super quemplam occupare minus juste, nec alicujus justitiam protelare, vel libertates aliquas diminuere aut infringere; sed omnibus et singulis petentibus, tanquam superior et directus Dominus regni *Scotiæ*, exhibere et facere justitiæ complementum. Insuper & in parte ipsius Domini nostri Regis & suo nomine protestamus, quod quamvis jus superioritatis et directi Dominii regni *Scotiæ* sit suum, et exercitium seu executio ejusdem spectet ad eum, propter hoc non intendit se a jure hæreditario (si quod sibi competat) ad dictum regnum, quo ad proprietatem ipsius excludere, licet utatur jure suo superioritatis et directi dominii sui prædicti exhibendo aliis justitiam, sed etiam jus suum inter alios petentes dictum regnum vis, mobis et temporibus quibus de jure poterit prosequi, et sibi viderit expedire. Ad hæc autem dictus Dominus Rex *Angliæ* præmissa per præfatum Dominum *Bathon.* & *Wellen.* Episcopum, suo nomine (ut præmittitur) recitata & dicta, sermone *Gallico* ore proprio recitavit, dicens hæc verba vel illis similia hunc habentia sententialiter intellectum. *An.* 20 *E.* 1.

"*Nos* Edwardus *Dei gratia Rex* Angliæ, et superior Dominus regni Scotiæ, *statum ejusdem desolatum considerantes, & ex Principis seu Regis sui destitutione multipliciter conturbatum, & varia perplexitate depressum condolentes, & propter dissentiones Magnatum jus ad dictum regnum se habere contendentium, ob affectionem & zelum quem habuimus & habemus ad ipsum regnum & ipsius incolas (sicut dictus* Bathon. *Episcopus coram vobis nostro nomine recitavit) & præcipuè ad universos & singulos quorum tuitio & defensio ad nos spectare dinoscitur, ac etiam pro pace dicti regni & inhabitantium ejusdem, ad partes istas gressus nostros direximus, nostris non parcentes laboribus nec expensis. Cumque vos Episcopi aliique Ecclesiarum Prælati, Comites, Barones & Nobiles regni* Scotiæ ad nostrum mandatum hic in termino vobis assignato congregati, *requisitionem quandam vobis ex parte nostra factam*, super recognitione vestra benivola nobis facienda de superioritate et directo dominio regni Scotiæ quod est nostrum; et in cujus possessione vel quasi progenitores nostri Angliæ Reges a tempore cujus contrarii memoria non existit, et nos adhuc existimus in præsenti; quod per rationes evidentissimas et manifestas, ac jura, certaque alia documenta vobis nostro nomine sufficienter ostensa evidenter apparet; quæ audistis et etiam intellexistis vicibus iteratis. Ea propter, petitum fuit a vobis nomine nostro, quod nos superiorem et directum Dominum nostrum dicti regni et habundanti recognosceretis, et nobis ut superiori Domino vestro (sicut justum est) pareretis; adjiciendo, quod si aliqua haberetis contra nos aut jus nostrum hujusmodi, quæ nos a jure nostro, exercitio seu executione juris ejusdem excludere possent, et rationes et jura pro nobis et jura nostra hujusmodi adducta et facientia, per validiora et efficaciora infirmare; ea parati essemus quatenus justum fuerit admittere et facere super his, quod secundum Deum et justitiam fuerit faciendum; vos autem præmissis plenius intellectis, diem ad consulendum cum absentibus tunc Episcopis et aliis Ecclesiarum Prælatis ac Nobilibus, et Communitate dicti regni super responsione facienda dictæ nostræ requisitioni cum instantia petebatis et obtinuistis ad interim consulendum cum absentibus, et deliberandum super præmissis, et respondendum, et ulterius præcise et peremptorie ostendendum, exhibendum et proponendum munimenta vel scripta, aut alia quævis documenta, si quæ haberetis, quæ nos a jure nostro hujusmodi excludere possint, et jura pro nobis adducta per validiora et efficaciora infirmare; ac vos in dicto termino, vobis ad hoc assignato, et per vos acceptato, convenientes, nihil omnino proposuistis, nec adhuc proponitis; nec vestrum aliquis proposuit aut proponit, quod nos a jure nostro aut hujusmodi exercitio aut executione ejusdem excludere debeat vel poterit, ut refertur. Vobis omnibus et singulis de Communitate ipsius regni, sicut hesterna die et hodierna per dictum Episcopum Bathon. notificari fecimus et denunciari nomine nostro, ita in præsenti notificamus et denunciamus; Quod intentionis nostræ est uti jure nostro, et in negotio inter contendentes de jure successionis regni Scotiæ præfati procedere jure superioritatis et directi dominii hujusmodi, quod est nostrum, ad cognoscendum, discutiendum et diffiniendum de jure singulorum jus ad regnum Scotiæ vendicantium quoquo modo. *Cumque prænominati Nobiles jus ad dictum regnum vendicantes per præfatum Episcopum* Bathon. *nostro nomine singillatim interrogati vicibus iteratis in præsentia Prælatorum,*

An. 20 E. I. *torum, Comitum, Baronum, & aliorum Nobilium de Communitate regni* Scotiæ, an super petitione juris sui quam facere intendebant, voluerant stare juri coram nobis, et petere, respondere et recipere sicut coram superiori et directo Domino suo dicti regni justitia complementum? ac ipsi et eorum quilibet per se, palam et publice coram vobis omnibus, nullo contradicente vel reclamante, nos superiorem et directum Dominum dicti regni Scotiæ recognoverunt et recognovit, et se velle stare juri coram nobis concesserunt et concessit, et etiam a nobis et coram nobis petere, respondere et recipere, tanquam a superiori et directo Domino sui regni Scotiæ, quod justitia suaderet. Idcirca vobis omnibus et singulis his præsentibus dicimus et notificamus aperte, quod in summa hoc est nostræ voluntatis studium, pacem et tranquillitatem in regno Scotiæ inter ipsius regnicolas confirmare; ut discordiarum et dissentionum contendentium sublatis materiis, unicuique facere justitiæ complementum; nihil indebite super quempiam occupare, nullius justitiam protelare, seu libertates diminuere, nec quenquam lædere minus juste, sed unicuique petenti tanquam superior et directus Dominus Scotiæ jus sibi competens tribuere, leges et consuetudines ipsius regni juri consonas et approbatas facere inviolabiliter observari, ac etiam operam sollicitam circa ea quæ reformationem status ipsius regni respiciunt impendere, et quietem partium prædictarum. Sperantes enim cum Dei adjutorio sic in hac parte providere, quod ad divini nominis laudem cedet, et statum prosperum regionis et incolarum ejusdem commodum in futurum. Et quamvis nos simus superior et directus Dominus ipsius regni, et ipsius exercitium et exercitio juris ad nos pertineat; non intendimus propter hoc nos a jure hæreditario, (si quod nobis competat) ad idem regnum quoad proprietatem ipsius excludere, licet utamur jure nostro exhibendo et faciendo aliis justitiam, sed etiam jus nostrum inter alios petentes velle prosequi et declarare viis, modis et temporibus quibus de jure poterimus et viderimus expedire.

Ad hæc Nobilis vir Dominus Johannes de Balliolo *surrexit, & dicto Domino Regi dixit*; Quod ipsum superiorem et directum Dominum regni Scotiæ recognovit, et concessit sicut alias, se velle stare juri coram ipso super jure successionis sibi competentis ad dictum regnum, et ab ipso et coram ipso ut superiori et directo suo Domino petere, respondere et recipere, quod consideratum sibi fuerit in hac parte. *Eodem modo Dominus* Johannes Comyn *Dominus de* Banenagh. *surrexit*, ipsumque Dominum Regem superiorem et directum Dominum regni Scotiæ palam et publice recognovit, et petiit se admitti inter alios petentes idem regnum ad prosecutionem juris sibi competentis ad dictum regnum, et concessit se velle stare juri coram ipso; et ab ipso et coram ipso tanquam superiori et directo Domino regni Scotiæ petere, respondere et recipere justitiæ complementum. *Cujus petitioni dictus Dominus Rex inclinatus*, ipsum Dominum Johannem Comyn inter alios petentes admisit. *Et statim ibidem supranominati Nobiles jus successionis in regnum* Scotiæ *vendicantes* (*ut præmittitur*) omnes et singuli, super recognitionibus suis suprædictis suas patentes literas eidem Domino Regi fieri fecerunt sigillorum suorum impressionibus consignatas, tenorem qui sequitur continentes.

* See Mat. Westm. An. 1291 p. 378, 379. & Tho. Walsingham Hist. Angl. p. 18, 19.

A tous ceaus qui cestes lettres verront ou orront *Florence* Counte de *Hoiland*, *Robert de Brus* Seignor de *Val Denants*, *Johan de Baillol* Seignor de *Galeweye*, *Johan de Hastinges* Seignor de *Bergeveny*, *Johan Comyn* Seignor de *Badenagh*, *Patrik de Dunbar* Counte de la *Marche*, *Johan de Vescy* pur son piere, *Nicholas de Soules* e *William de Ros*, salus en Dieu. Com nous entendoms avoir droit al Roialme de *Scoce*, e cele droit monstrer, chalenger, e averrer devant celui qui plus de pooir, jurisdiction e reson eust de trier nostre droit, e le noble Prince Sire *Edward* par la grace de Dieu Roy *Dengleterre* nous eit informetz per bones & suffizantes resons, qe a lui apent, e avoir droit la sovrain Seignieurie du dit Royalme *Descoce*, e la conigzance de ofr, trier e terminer nostre droit, nous de nostre propre volunte sanze nule manere de force ou distresse, voloms, otroioms et grauntoms de receiure droit devant lui com sovrain Seignor de la terre, e voloms ia lemeins e promettoms, qe nous auroms e tendroms ferm e estable son fait, e qe celui enpetra le Roialme, a qui droit le dorra devant lui. En tesmoignance des queus choses, nous auoms mis nos seals a cest escrit. Fait e done a *Norhm.* le Mardi prochein apres Lascension, lan de grace 1291.

Quibus

Quibus (ut præmittitur) factis, habitoque tractatu inter ipsum Dominum Regem suumque Consilium, & Prælatos & Nobiles de Communitate regni Scotiæ *memorati, & ipsos Nobiles jus ad regnum* Scotiæ *vendicantes, qualiter in prædicto negotio esset utilius procedendum, & etiam super reformatione status ejusdem regni; demum de unanimi omnium & singulorum utriusque regni Nobilium & Prælatorum consensu & voluntate, nullo contradicente vel reclamante, ordinatum extitit & consensum; quod Dominus* Johannes de Balleolo *& Dominus* Johannes Comyn *pro se & aliis petentibus qui electioni faciendæ per ipsos consentire voluerint, eligant quadraginta viros fidedignos & discretos, quos ad hoc idoneos esse crediderint; & Dominus* Robertus de Brus *pro se & aliis petentibus, qui nominationi & electioni per ipsum faciendæ, similiter consentire vellent, eligant alios quadraginta, quorum sic electorum nomina hinc inde tertia die proximo sequent. quinta videlicet dicti mensis* Junii, *eidem Domino Regi tradantur in scriptis, & ipse ultra illos sic nominatos & electos, viginti quatuor & plures vel pauciores pro sua libito voluntatis,* ratione superioritatis et directi dominii sui hujusmodi, illis octoginta nominatis et electis assignet et statuat; *ita ut hii omnes sic nominati & electi, & per ipsum Regem assignati, insimul congregati,* jura omnium et singulorum petentium dictum regnum audiant, et discussionem faciant, sicut juri et rationi magis viderint convenire: et discussione plena facta, quid invenerint, fideliter referant Domino Regi, ad quem pertinet dictum negotium diffinire, ut ipse Deum habens præ oculis, ut superior et directus Dominus regni Scotiæ judicet et pronuntiet, sicut de jure fuerit faciendum: *potestate tamen libera addendi, mutandi & diminuendi de assignandis per ipsum Regem sibi semper reservata. Si verò aliquem vel aliquos de prædictis octoginta personis sic nominatis & electis per nobiles suprædictos, infirmitate seu alio impedimento legitimo detineri contingat, ita quod venire non poterit; ordinatum est & ab omnibus consensum, quod alius vel alii absentis vel absentium vices supppleant vel suppleat, & eorum loco vel locis per ipsos qui eos elegerunt & nominarunt, subrogentur. Et prædictus modus procedendi & discutiendi de jure petentium prædictorum, quia omnibus placuit, ab omnibus extitit approbatus, laudatus & acceptatus. Acta in parochiali Ecclesia de* Norhm. *& alibi (ut præmittitur) anno, indictione, mense & die prox. prænotatis; Præsentibus venerabilibus in Christo, Dominis* Johanne *Dei gratia* Eborum *Archiepiscopo* Angl. *Primati*, Antonio Dunolm. Roberto Bathon. & Wellen. Willielmo Elien, Willielmo *Sancti* Andrææ, & Roberto Glascuen. *Episcopis: ac nobilibus viris Dominis* Edmundo Lancastriæ, *dicti Domini Regis germano,* Willielmo de Valenc. Pembrock, Henrico de Lascy Lincoln. Rogero Bigot Northfolchiæ, & *Marescallo* Angliæ; Dovenaldo de Mar, Gilberto de Anegos, & Roberto de Brus de Carrik *Comitibus*; Theobaldo de Verdon, Thomam de Berkley, Hugone le Dispenser, Willielmo de Sancto Claro, Patricio de Graham, Willielmo de Moravia, Syward, Galfrido de Moubray, Michaele de Wymes, Waltero de Bello Campo *dicti Domini Regis Seneschallo*, & Willielmo Monte Revelli, *Baronibus; ac venerabilibus & discretis viris, Magistris* Henrico de Newerk *Decano* Eborum, Johanne de Lascy *Cancellar.* Cicestren. & Waltero de Langeton *Decano de* Burges, *ac Magistro* Erturi de Cadomo *Notar. publico, cum aliis tam Episcopis, Abbatibus, Prioribus & Clericis quàm Comitibus, Militibus & Nobilibus in multitudine copiosa.*

Anno à Nativitate Domini 1291. *Indictione quarta, mensis* Junii, *die quarto, congregatis coram serenissimo Principe & Domino, Domino* Edwardo *Dei gratia Rege* Angliæ *illustri, Superiore & directo Domino regni* Scotiæ, *Nobilibus viris Domino* Florentio *Comite* Holandiæ, Roberto de Brus *Domino* Vallis Anandiæ, Johanne de Balliolo *Domino* Galwidiæ, Johanne de Hastinges *Domino de* Bergeveny, Johanne Comyn *Domino* de Dunbar *Comite de* Marchia, Johanne de Vescy *pro patre suo*, Nicholao de Soules, & Willielmo de Ros, *Baronibus; Jus ad dictum regnum* Scotiæ *vendicantibus, cum aliis tam Episcopis, Comitibus, & Baronibus, quàm aliis Militibus & Nobilibus utriusque regni quamplurimis*, possessionem regni Scotiæ et Castrorum ejusdem eidem Domino Regi nemine contradicente vel reclamante de communi consensu Communitatis ejusdem regni ut superiori et directo Domino suo, concesserunt et etiam tradiderunt; et suas patentes literas suis sigillis pendentibus consignatas factum suum prædictum testificantes sibi fieri fecerunt, tenorem qui sequitur continentes.

An. 20 *E.* 1. * See Matth. Westminster, p. 738, 739. & Walsingham qua supra.

* A touts ceaus qui ceſtes præſentes lettres verront ou erront, *Florence* Comte de *Hoilande*, *Robert de Brus* Seigneur du *Vall Davant*, *Johan de Baillol* Seigneur de *Gaweye*, *Johan de Haſtinges* Seigneur de *Bergeveny*, *Johan Comyn* Seigneur de *Badenagh*, *Patrik de Dunnbar* Comte de la *Marche*, *Johan de Veſcy* pur ſon piere, *Nicol de Soules*, è *Willam de Ros*, ſalus en Dieu. Com nous coms otriez è graunte de noſtre bone volunte et commun aſſentes ſans nule deſtreſſe, al noble Prince Seigneur *Edward* par la grace de Dieu Roy *Dengletre*, qe il com ſoverein Seigneur de la terra *Deſcoce* puiſſe oier, trier e terminer nos chalenges e nos demandes, qe nous entendoms monſtrer e averrer pur noſtre dróit en la Royalme *Deſcoce*, et dzoit receibze devant luy com ſoverein Seigneuz de la terre, pzomettantz ja le meins qe ſon fait auroms e tendroms ferme eſtable, e qe il euportra le Royalme a qui droit le dorra devant lui. Mes pur ceo qe lavant dit Roy *Dengleterre* ne poet nule manere de reconiſſance faire ne accomplir ſanz judgement, ne judgement ne doit eſtre ſanze execution, ne execution ne poet il faire duement ſanz la poſſeſſion e ſeiſine de meſme la terre e des chaſteauz; nous volums, otroioms e grantoms, quil com ſoverein Seigeur a parfaire les choſes avant dites, eit la ſeiſine de toute la terre e des chauſteaus de *Scoce*, tant qe dzoit ſoit faite e parfurme a demandantz, en tielle manere qe avant ceo qil eit ſeiſine avantdite face bone ſeurete e ſuffizante as Demandantz, e as Gardeins, e a la commune du Royalme *Deſcoce*, a faire la reverſion de meſme le Royame e des chaſteaus oue toute le Roiaute, Dignite, Seigneurie, Franchiſes, Cuſtumes, Dzoitures, Leyes, Uſages, e poſſeſſions, e toutes maneres de appurtenances en meſme leſtate quil eſtient quant la ſeiſine lui ſu livzée, e baile, a celui qui le dzoit empoztera par judgement de la Royalme, ſalve au Roi *Dengleterre* le homage de celui qe ſerra Roi, iſſint que la reverſion ſoit fait de euz, les deuz mois apzes le jour qe le dzoit ſerra triez e fermez. E qe les iſſues de meſme la terra en le moien temps receibes, ſoient ſalvement mis en depos, e bien gardez pur la main del Chambzelain *Deſcoce* que ozе eſt, e de celuy qui ſerra aſſigne a luy de par le Roy *Dengleterre*, e deſouz leur Seaules, ſalve reſonable ſuſtenance de la terre, e des chaſteauz, e de Miniſtres du Royalme. En teſmoigne de ceſtes choſes avauntdites nous avoums mis nos ſeaules a ceſte eſcrit. Fait e done a *Norhm* le Meskredi apres *Laſcenſion*, lan de Grace Mil. CC. Nonante primerime.

* Anno 1291. p. 379. See Chron. Will. Thorn, col. 1962.

(*Iſtam regni* Scotiæ *ordinationem* (as * *Matthew Weſtminſter* ſtories) *in foro ſupradicto ordinatam*, *Dominus Rex* Edwardus *pluribus Domibus religioſis, & maxime viris religioſis*, *Priori & Conventui de* Merton *deſtinari præcepit*, ut ad perpetuam rei geſtæ memoziam in Chzonicis ſuis facerent annotari. *Unde vobis mandamus, quod eadem faciatis in Chronicis veſtris ad perpetuam rei geſtæ memoriam annotari. Teſte Magiſtro* Gulielmo de Marchio *Theſaurario noſtro apud* Weſtmonaſterium, *nono die* Julii, *anno regni noſtri decimonono*; *Per breve de privato ſigillo.*) The Record thus proceeds.

Anno & Indictione prænotatis, *menſis* Junii *die quinto*, *congregatis in parochiali Eccleſia de* Norham Dunolm. *Dioc. ſupraſcriptis nobilibus viris Jus ad dictum regnum* Scotiæ *vendicantibus*, *coram venerabili viro D.* Johanne de Berewico *dicti Domini Regis* Angliæ *Clerico & Decano de* Wymburn. *ad recipiendum nomina hinc inde electorum*, *quàm etiam aſſignatorum per ipſum Regem ſibi in ſcriptis tradita*, *recepit*, *quæ ſunt. Inprimis ex parte Domini Regis aſſignati ſunt & nominati*, *venerabiles patres in Chriſto*, *Domini* Robertus Bathon. & Wellen. Antonius Dunolm. Willielmus Elien. & Radulphus Carleolen. *Epiſcopi*; *Frater* Willielmus de Hotham *Provincialis Fratrum Pradicatorum in* Anglia, & *frater* Willielmus de Gainsburgh *Miniſter generalis ordinis fratrum minorum*, *Magiſtri* Henricus de Newerke *Decanus* Eborum, Johannes de Derby *Decanus* Lichf. Durandus *Archidiaconus* Stowie, Robertus de Rodewell *Archidiaconus* Ceſtriæ, Willielmus Grenefeld *Canonicus* Eborum, & Willielmus de Kilkenny; *ac Nobiles viri*, *Dominus* Henricus de Laſcy *Comes* Lincoln. Rogerus Bigod *Comes* Northfolchiæ & *Mareſcallus* Angliæ, Johannes de Sancto Johanne, Hugo le Diſpenſer, Robertus *filius* Rogeri, Thomas de Berkle, Brianus *filius* Adam, Rogerus Brabazon, Willielmus de Bereford, Johannes de Lithegreines, Thomas de Fiſheburne, & Walterus de Routhbyr. *Ex parte vero Domini* Roberti de Brus *Domini* Vallis Anandiæ, & *aliorum qui electioni & nominationi per ipſum faciendæ conſenſerunt. electi ſunt & nominati venerabiles patres*, Robertus Glaſcuen. & Matthæus Dunkelden. *Epiſcopi*; *Abbas de* Melros, & *Abbas de* Jeddeworth, Patricius

cius *Comes de* Marchia, Dovenaldus *Comes de* Marr; Walterus *Comes de* Menetеth, Johannes *Comes* Atholiæ, Malcolmus *Comes de* Levenaux, Jacobus *Seneſcallus* Scotiæ, Willus de Soules, Nicholas de Graham, Johannes de Lindeſeia, Johannes Seneſcalli, Alexander de Bonkhill, Willielmus de Haya, David de Torthorad, Johannes de Calentyr. Willielmus de Fenton, *Magiſter* Adam de Crokdayk, Henricus de Aberdeen, *cujus loco poſtea poſitus fuit* Walterus de Lindeſeya, Reginaldus de Crauford, Nicholas Cambel. Willielmus de Strivelin, Johannes de Strivelin de Moravia, Johannes de Inchemartin, *Magiſter* Robertus de Merleya, *Magiſter* Willielmus de Strivelin, *Magiſter* Thomas de Bonkhill, Henr. de Lennatchton, *Magiſter* Willielmus de Anandia, *Magiſter* Willielmus de Goſeford, *Magiſter* Richardus de Bolton, *Frater* Reginaldus de Rihull, *Monachus de* Melros, Willielmus de Coningesburgh, Willielmus de Preſton, Gilbertus de Conisburgh, & Galfridus de Caldecote. *Ex parte vero Domini* Johannis de Balleolo *Domini* Galwidiæ *& eorum qui nominationi et electioni per ipſum faciendæ conſenſerunt, electi ſunt & nominati, et eorum nomina in ſcriptis tradita, venerabiles Patres* Willielmus Sancti Andrææ, Henricus Aberdon. Willus Dunblan. Marcus Sodoren. Henricus Candidæ caſæ, & R. Roſſen. *Epiſcopi*; *Abbas de* Dunfermelin. *Abbas de* Sancta Cruce, *Abbas de* Combuskineth, *Abbas de* Calkon, *Abbas de* Tungeland, *Abbas de* Scona, *Abbas de* Coupre, *Prior* Sancti Andrææ, Walterus *Archid.* Dunblanen. Johannes *Comes de* Boughan, Gilbertus *Comes de* Anegos, Maſilius *Comes de* Strathern. Willielmus *Comes de* Ros, Alexander de Ergadia, Andreas de Moravia, Galfridus de Moubray, Herbertus de Makeſwell, Symon Fraſer *Pater*, Patricius de Graham, Willielmus de S. Claro, Reginaldus le Cheen *pater*, Reginaldus *filius*, Nicolaus de Haya, Robertus Combron. *Dominus de* Balingrenagh, Richardus Fraſer, Johannes de Strivelin de Cars, Andreas Fraſer, Michael de Wymes, Michael Scotus, Richardus de Stranton, Willielmus de Moravia de Tolibardardin, Willielmus de Melgredon, Radulphus de Laſceles, & David de Graham. *Acta in parochiali Eccleſia de* Norham (*ut præmittitur*) *Anno, Indictione, menſe & die, præſentibus venerabilibus in Chriſto patribus, & Dominis* Roberto Bathon. & Wellen. & Willielmo *Dei gratia* Elyen. *Epiſcopis*; *& venerabilibus & diſcretis viris, Magiſtro* Henrico de Newerk *Decano* Eborum, *& Domino* Waltero de Langeton *Decano de* Burges; *ac Nobilibus viris Dominis* Henrico de Laſcy Lincoln. Rogero Bigod Northfolchiæ *& Mareſcallo* Angliæ *Comitibus, cum Magiſtro* Johanne Erturi *de* Cadomo *Publico Notario, & aliis tam Eccleſiarum Prælatis & Nobilibus quam popularibus utriuſque regni quamplurimis.*

Anno Domini & Indictione dicti menſis Junii *die ſexto, congregatis in Caſtro de* Norham. Dunolm. *Dioc. Nobilibus viris ſupranominatis Jus ad dictum regnum* Scotiæ *vendicantibus, coram excellenti Principe & Domino, Domino* Edwardo *Dei gratia Rege* Angliæ *illuſtri,* Superiori et directo Domino regni Scotiæ, *ſuoque Conſilio, una cum aliis utriuſque regni Nobilibus & Prælatis recitatis; recitatiſque actis diei proximo præcedentis, ex parte ipſius Domini Regis dictis Nobilibus regni* Scotiæ *& Prælatis dicebatur, Quod de loco decenti & termino ſive die competenti inter ſe deliberarent, & etiam conſentirent, ubi & quando melius & utilius poſſent congregari & morari, ad audiendum & recipiendum petitiones petentium prædictorum, & de Jure ſingulorum cognoſcendum & diſcutiendum, & diſcutione plenè facta, cum ad hoc deventum fuerit, eidem Dom. Regi quod invenitur fideliter referendum, ut ipſe Deum habens præ oculis, judicet & pronuntiet, ſicut de jure fuerit faciendum; habitaque inter ipſos deliberatione ſuper hoc & tractatu diligenti, locum aptum apud* Berewicum *ſuper* Twedam, *ad tractandum, cognoſcendum, diſcutiendum & diffiniendum ſuper præmiſſis unanimiter & concorditer ſtatuerunt & etiam elegerunt; & eidem Domino Regi electionem ſuam loci prædicti & conſenſum præſentarunt, quem locum idem Dominus Rex acceptavit. Et quia de termino ſive die aliquo inter ſe concordare noluerunt,* idem Dominus Rex, tanquam Superior et directus Dominus ipſius regni, ſecundum diem menſis Auguſti proximo futur. dictis nobilibus Jus ad regnum Scotiæ vendicantibus pro termino peremptorio ſtatuit et præfixit, de conſenſu unanimi et voluntate omnium et ſingulorum utriuſque regni Nobilium et Prælatorum ibidem præſentium, ad proponendum ſua Jura, et ſuper proponendis ab eiſdem cognoſcendum, procedendum et diſcutiendum et diffiniendum, cum continuatione et prorogatione dierum uſque ad finalem deciſionem negotii prælibati inter petentes ſupradictos, quis ipſorum pinguius

An. 20. E. I.

An. 20 *E.* 1. jus haberet ad regnum Scotiæ prælibatum. *Acta fuerunt præmissa in Camera exteriori (ut præmittitur) Anno, indictione, mense & die proximo prænotatis; Præsentibus venerabilibus in Christo patribus; Dominis* Johanne *Dei gratia* Eborum *Archiepiscopo,* Angliæ *Primati,* Roberto Bathon. & Wellen. Antonio Dunolm. & Willielmo Elien. *Episcopis; cum nobilibus viris Dominis,* Edmundo Lancastriæ *dicti Domini Regis germano,* Gilberto de Clara Gloverniæ, Umfrido de Bohun Hertfordiæ, Willielmo de Valenc. Penbrok, Henr. de Lascy Lincoln. & Rogero Bigot Northfolchiæ & *Marescallo* Angliæ, *Comitibus; ac Magistris* Henr. de Newerke Eborum, & Thoma Wellen. *Ecclesiarum Decanis,* Johanne de Lascy *Cancellar.* Cicestren. & Willielmo de Grenefield *Canonico* Eborum, *Magistro* Johanne Erturi de Cadomo *publico apostolica authoritate Notario infrascripto, cum aliis ejusdem regni Nobilibus & Prælatis, ac popularibus quamplurimis.*

Anno Domini & Indictione prænotatis, dicti mensis Junii, *die undecimo,* Willielmus *Sancti* Andrææ, & Robertus Glasguen. *Episcopi, ac Nobiles viri Domini* Johannes Comyn *de* Badenagh, & *Senescallus* Scotiæ, *Custodes dicti regni per Communitatem post mortem Regis sui* Alexandri *electi, & specialiter deputati, coram dicto Domino Rege* Angliæ, Superiore et directo Domino ejusdem regni *in Castro de* Norham *comparuerunt, cum omnibus Castellanis sive Constabular. Castrorum regni* Scotiæ *quæ fuerunt quondam Regis defuncti, qui per ipsum quondam Regem, sive post ejus obitum per Custodes & regni Communitatem electi, sive positi fuerant, aut quovis alio modo deputati,* suasque Custodias et Ballivas eidem Domino Regi, tanquam superiori Domino suo ipsius regni reddiderunt, et etiam liberarunt. Quorum custodiis per ipsum Dominum Regem receptis, regni videlicet Scotiæ Castrorum, Civitatum, Villarum, Burgorum, et aliorum omnium et singulorum Regiæ dignitati infra idem regnum qualitercunque pertinentium, *idem Dominus Rex dictos Patres* S. Andrææ & Glascuen. *Episcopos,* Johannem Comyn, & Jacobum *Senescall.* Scotiæ, (*sicut prius*) tanquam Dominus regni Scotiæ superior, ejusdem regni Custodes constituit, et eisdem ipsius regni custodiam commisit, sub ipso et suo nomine gubernandum. *Subsequenter verò dicti regni* Scotiæ *Nobiles & Prælati ad mandatum dicti Domini Regis præcipientis, venerabilem in Christo Patrem Dominum* Alanum *Dei gratia* Cathanen. *Episcopum in Cancellarium* Scotiæ eligerunt, et electionem suam de ipso factam eidem Domino Regi præsentarunt; Cujus electionem idem Dominus Rex acceptavit, et ipsum Cancellarium Scotiæ præfecit, et discretum virum Dominum Walterum de Amundesham Clericum suum in socium sibi adjunxit et etiam associabit. *Acta in Castro de* Norham (*ut præmittitur*) *anno, indictione, mense & die prænotatis, præsentibus venerabilibus in Christo Patribus,* Roberto Bathon. & Wellen. Antonio Dunolm. Willielmo Elien. & Radulpho Carleolen. *Episcopis; una cum Nobilibus viris Dominis* Edmundo Lancastriæ, Willielmo Penbrock, Gilberto Gloverniæ, & Henrico Lincoln. *Comitibus, ac venerabilibus & discretis viris, Magistro* Henrico de Newerk *Decano* Eborum, *Magistro* Johanne de Lascy *Cancellar.* Cicestren. *Magistro* Johanne Erturi de Cadomo *publico apostolica authoritate Notario, cum aliis utriusque regni Nobilibus & Prælatis quamplurimis, ac me Notario infrascripto.*

Anno Domini & indictione prædictis, dicti mensis Junii *die duodecimo; congregatis in quadam area viridi ex opposito Castri de* Norham. *ex alia parte fluminis de* Tweda *in Marchia de* Visetlington *Sancti* Andrææ *Dioc. Nobilibus viris Dominis,* Roberto de Brus, & Johanne de Baleolo, *cum aliis suis ad regnum* Scotiæ *vendicantibus; ac venerabilibus in Christo Patribus Dominis* Willielmo *Sancti* Andrææ, & Roberto Glascuen. *Episcopis; Dominis* Johanne Comyn, & Jacobo *Senescall. Custodibus regni* Scotiæ, *aliisque utriusque regni Nobilibus & Prælatis, venerabilis Pater Dominus* Alanus *Dei gratia* Cathanen. *Episcopus Cancellar. regni* Scotiæ *per dictum Dominum Regem* Angliæ *factus, venit coram ipsis, & sigillum ad regimen* Scotiæ *deputatum* sibi ex parte dicti Domini Regis, et ejus nomine oblatum et traditum recepit; et inspectis sacrosanctis et osculatis Dei Evangeliis corporale præstitit juramentum, Quod officium Cancellar. dicti regni Scotiæ sibi per ipsum Regem Angliæ ut præmittitur commissum, secundum leges et consuetudines regni Scotiæ fideliter geret, et pro tempore suo se habuit in eodem, et eidem Domino Regi Angliæ ut superiori et directo Domino regni Scotiæ intenderet et pareret in officio Cancellar. et unicuique de dicto regno in omnibus et singulis ad ipsum officium pertinentibus exhiberet

hiberet et faceret juſtitiæ complementum, Literis tamen gratiæ omnimodis eidem Domino Regi Angliæ ſpecialiter reſervatis. *Inſuper Dominus* Walterus de Amundeſham *Clericus prafato Epiſcopo* Cathenen. *in dicto officio Cancellar.* aſſociatus (*ut præmittitur*) tactis ſacroſanctis et oſculatis Dei Evangeliis ibidem exiſtens conſimile fecit pro tempore Juramentum. *Quibus ſic factis, venerabiles in Chriſto patres & Domini*, Willielmus *S.* Andrææ, & Robertus Glaſcuen. *Epiſcopi*, Johannes Cõmyn, & Jacobus *Seneſcallus* Scotiæ *Cuſtodes dicti regni, una cum nobilibus viris jus ad idem regnum vendicantibus, aliiſque Proceribus, Prælatis & Militibus ejuſdem regni ibidem congregatis ad dictum Dominum Regem in dicto Caſtro de* Norham *exiſtentem perrexerint. Et habito ſuper præmiſſis & aliis faciend. inter ipſos, & Conſilium Domini Regis tractatu, aliqualiter ordinatũ fuerit ibidem, & ex parte Domini Regis ibidem omnibus & ſingulis dictum*, quod ultra flumen de Tweda in loco in quo illo die fuerant congregati, qui eſt infra limites regni Scotiæ, die craſtino, omnes et ſinguli tam Epiſcopi et alii Eccleſiarum Prælati, quam Comites, Barones, Magnates, Proceres, Civitatum et Burgorum Communitates, et alii omnes et ſinguli qui fidelitatem Domino Regi Scotiæ facere tenebantur, qui tunc ibidem præſentes fuerint conbenirent, fidelitatem dicto Domino Regi ut ſuperiori et directo Domino dicti regni Scotiæ facturi, ſecundum formam conbenientem per ipſum Dominum Regem ſuumque Conſilium ordinandum. Ita quod præmiſſis ſic factis ex parte ipſius Domini Regis Angliæ, ut ſuperioris et directi Domini regni Scotiæ par ſua per totum ipſum regnum publice proclamaretur, et juxta proclamationem ſuo nomine factam firmiter obſervaretur in futurum. *Acta ſunt pramiſſa, anno, indictione, menſe, die & locis proximo prænotatis, præſentibus venerabilibus in Chriſto Patribus, Dominis* Roberto Bathon. & Wellen. Antonio Dunolm. & Willielmo Elyen. *Epiſcopis; cum nobilibus viris Dominis* Edmundo *dicti Domini Regis germano Comite* Lancaſtriæ, Willielmo de Valenc. *Comite* Penbrok, Gilberto de Clara *Comite* Gloverniæ, & Henrico de Laſcy *Comite* Lincoln. *& venerabilibus viris Magiſtris* Henrico de Newerk *Decano* Eborum, Johanne de Laſcy *Cancellar.* Ciceſtren. & *Domino* Waltero de Langeton *Decano de* Burges, *ac Magiſtro* Johanne Erturi de Cadomo *publico apoſtolica auctoritate* Notario, *cum aliis utriuſque regni Prælatis, Comitibus, Baronibus, Militibus & populoribus in multitudine copioſa, ac me* Notar. *infraſcripto.*

Anno Domini & Indictione prænotatis, dicti menſis Junii, *die tertiadecima, congregatis in loco per dictum Dominum Regem eis* (*ut præmittitur*) *aſſignato, dictis Nobilibus regni* Scotiæ & *Prælatis, cum aliis quamplurimis, acceſſit ad eos ſereniſſimus Princeps & Dominus Rex* Angliæ *illuſtris, & primo Nobilem virum Dominum* Brianum *filium* Alani *prædictis Cuſtodibus regni* Scotiæ *aliis per ipſum deputatis adjunxit & aſſociavit. Et ab eiſdem Cuſtodibus, tam Sancti* Andrææ *et* Glaſcuen. *Epiſcopis, quam* Johanne Comyn, Jacobo *Seneſcal. et* Briano *filio* Alani corporale ad ſancta Dei Evangelia recepit juramentum, in præſentia utriuſque regni Nobilium meique Notarii infraſcripti, quod cuſtodiam regni Scotiæ eis commiſſam fideliter gerent, et etiam circa ipſius cuſtodiam faciendam operam ſolicitam adhibebunt, et ſecundum leges et conſuetudines dicti regni unicuique petenti, communem et plenam Juſtitiam exhibebunt, et pro tempore ſuo facient complementum, et eidem Domino Regi Angliæ ut ſuperiori et directo regno Scotiæ in omnibus obedient et intendent. *Inſuper dicti Domini* Willielmus *Sancti* Andrææ & Robertus Glaſcuen. *Epiſcopi* inſpectis ſacroſanctis, *et Domini* Johannes Comyn. & Jacobus *Seneſcallus Cuſtodes regni* Scotiæ (*ut præmittitur*) *deputati*, tactis eiſdem Evangeliis et oſculatis, per ſe borum quilibet juramentum fidelitatis eidem Domino Regi Angliæ tanquam ſuperiori et directo Domino regni Scotiæ juraberunt. *Similiter et* Marcus Sodorenſis *Epiſcopus ipſius regni Cancellarius, ac* Nobiles *viri Domini* Robertus de Brus *Dominus* Vallis Anandiæ, Johannes de Balleolo *Dominus de* Galwidia, Robertus de Brus *Comes de* Carik, Patricius de Dunbar *Comes de* Marchia, Dovenaldus *Comes de* Mar, Johannes *Comes de* Boughan, Johannes *Comes* Atholiæ, Gilbertus *Comes de* Anegos, Malcolmus *Comes de* Levenaux, Walterus *Comes de* Meneteth, Johannes Comyn *Dominus de* Badenagh, Jacobus *Seneſcallus* Scotiæ, Wililelmus de Sonles, Johannes de Soules, Patricius de Graham, Thomas Randolf, VVillielmus de Sancto Claro, Radulphus de Hoveden, Alexander de Balliolo *Camerarius* Scotiæ, VVillelmus Comyn, Johannes Seneſcalli, Ingeramus de Umfranvile,

An. 20 E. 1. franvilfe, VVilhelmus de Moravia de Trilibardin, Henricus de Pinkney, VValterus Burden, Radulphus de Cranford, & Henricus de Sancto Claro, *Milites et Barones dicti regni* Scotiæ, eorum quilibet per se singillatim eidem Domino Regi Angliæ ibidem ut superiori et directo Domino suo ejusdem regni fidelitatem fecerunt, et tactis sacrosanctis et osculatis Dei evangeliis juraverunt. *Quibus (ut præmittitur) factis, idem Dominus Rex præcepit, et fecit pacem suam ibidem publicè proclamari; et, ut ubicunque per totum ipsum regnum* Scotiæ *proclamaretur, jussit, & firmiter observaretur, hoc idem omnibus de Communitate dicti regni* Scotiæ *ibidem existentibus, et etiam dictis Custodibus per ipsum deputatis injunxit: Et secundum diem mensis* Augusti *proximo sequent: omnibus et singulis ipsius regni* Scotiæ *Episcopis et aliis Ecclesiarum Prælatis, necnon omnibus et singulis nobilibus Jus ad dictum regnum* Scotiæ *vendicantibus, ac etiam auditoribus hinc inde nominatis et electis et per ipsum assignatis, Comitibus, Baronibus, Militibus, aliisque Proceribus dicti regis in Parliamento suo coram ipso apud* Berewicum *super* Twedam *pro termino peremptorio præfixit et assignavit, ad procedendum, cognoscendum et faciendum in dicto negotio inter vendicantes dictum regnum, cum continuatione et prorogatione dierum (sicut alias) inter ipsum Dominum Regem et ipsos Nobiles et Prælatos regni* Scotiæ *ordinatum extitit et consensum. Acta in quadam area viridi ex opposito Castri de* Norham, *in parochia de* Upsetlington *Sancti* Andreæ *Diœc. prope flumen de* Tweda *(ut præmittitur) anno, indictione, mense et die proximo prænotatis. Præsentibus venerabilibus in Christo Patribus Dominis* Roberto Bathon. *et* VVellen. Antonio Dunolm. *et* Radulpho *Dei gratia* Carleolen. *Episcopis; una cum Nobilibus viris, Dominis* Edmundo *dicti Domini Regis germano* Lancastriæ, VVillielmo de Valentia Pembrok, Gilberto de Clare Gloverniæ, et Henrico de Lascy Lincoln. *Comitibus*; Johanne de Sancto Johanne, VValtero de Bello Campo *dicti Domini Regis Senescallo*, Nicolao de Segrave, Petro de Chavant, & VVillielmo de Monte Revelli, *dicti Domini Regis Camerariis*, Johanne Betecourt, Guidone Ferre, VVillielmo de Bereford, *et* Elia de Haungle, *Militibus, ac venerabilibus et discretis viris Magistris*, Henrico de Newerke *Decano* Eboracensi, Johanne de Lascy *Cancellar.* Cicestren. *ac Magistro* Johanne Erturi de Cadomo *publico apostolica authoritate* Notario; *cum aliis utriusque regni Nobilibus et Prælatis in multitudine copiosa.*

Anno Domini & indictione prænotatis, dicti mensis Junii *die quartodecimo, Nobiles viri* Ricardus *dictus* Syward. Simon Fraser, & Alexander *filius Comitis de* Meneteth, *venerunt*, et fidelitatem dicto Domino Regi Angliæ, ut Superiori et directo Domino regni Scotiæ fecerunt; et tactis sacrosanctis Dei Evangeliis et osculatis juraverunt, in quodam Vanerio juxta Norham. *Præsentibus Domino* Henrico de Bluntisdon, *et* Radulpho de Stamfordia, *ac Magistro* Johanne Erturi de Cadomo *publico apostolicâ authoritate Notario, cum aliis quampluribus. Et anno Domini et indictione prædictis dicti mensis* Junii *exeuntis die septimo, existente dicto Domino Rege* Angliæ *apud* Berewicum *super* Twedam, *religiosus vir frater* Henricus *Prior de* Coldingham, & *Dominus* Johannes de Vaus *venerunt, & in capella Castri de* Berewico fidelitatem fecerunt eidem Domino Regi Angliæ, et etiam juraverunt. *Præsentibus venerabilibus patribus Dominis*, Roberto Bathon. & Wellen. *et* Alano Cathenen. *Episcopis*; *et Domino* Henrico de Bluntisdon, *dicti Domini Regis Elemosynar. ac Magistro* Johanne Erturi de Cadomo *publico apostolica authoritate Notario, cum aliis quampluribus.* Item, *ibidem anno Domini & indictione prædictis, dicti mensis exeuntis die sexto, religiosa mulier Domina* Agnes de Berinham *Prioriſſa de* Berewico, Petrus de Morington, Johannes de Bradeley, *et* Edmundus de Bindington, *venerunt*, et eidem Domino Regi Angliæ ut superiori et directo Domino regni Scotiæ fidelitatem fecerunt, et etiam juraverunt, tactis sanctis Evangeliis et osculatis; *Præsentibus nobilibus viris Dominis*, Johanne de Sancto Johanne, & VValtero de Bello Campo *Militibus*; *Domino* VValtero de Langeton, *et Magistro* Johanne Erturi de Cadomo *publico Notario, cum aliis quampluribus. Anno Domini et indictione prædictis dicti mensis* Junii *exeuntis die quarto adhuc loco proximo prænotato, Dominus* Alexander de Bonkhille *venit, & dicto Domino Regi* ut superiori et directo Domino regni Scotiæ fidelitatem fecit, et tactis sacrosanctis et osculatis Dei Evangeliis juravit; *Præsentibus Dominis*, Johanne de Sancto Johanne, *et* Gilberto de Routhbyr. *Clerico, ac Magistro* Johanne Erturi de Cadomo *publico apostolica authoritate Notar. cum aliis quampluribus. Anno Domini & Indictione prænotatis dicti mensis*

Junii

Junii *exeuntis die tertia*, *Burgenſes et Communitas de Villa de* Berewico *in parochiali Eccleſiæ ipſius villæ congregati*, *videlicet* Philippus de Rydale *Major Villa*, Ranulphus de VVhiteby, Ingeramus de Colton. Henricus Fraunceys, Thomas le Venour, Richardus Tannator, Petrus de Coventre, Robertus de Eborum, Thomas de Selghkirk, Henricus Aurifaber, Thomas Mouſy, Johannes Clericus de Berewico, Johannes de Hove, Johannes de Routhbyr. Euſtachius Leſpicer, VVillielmus May, Matthæus le Cotelier, Gregorius de Coldingham, *Magiſter* Rogerus Bartholomei, Thomas de Beverlaco, VVillielmus Chaucon. David de Keinſworth *Ballivus*, Alanus de Langeton. VVillielmus Clericus, Robertus Ruſſell, Nicholaus de Beverſey, Rogerus Leſpicer, VVillielmus de Holthale, VVarinus de Pebles, Adam de Barton, Nicholaus de VVhiteby, Laurentius Clericus, VVillielmus Grethened, Johannes de Cornbyr. Henricus Spring, Adam de Mar, Adam de Seleby, Johannes de Strivelin, Johannes Monachus, Johannes de VVhiteby, Johannes Otre, Alexander Pellipararius, Robertus de Barton, Adamus Moigne, Robertus de Dunbar, Martinus Leſpicer, Radulphus Taket, VVarinus le Violer, *et* VVillielmus Clericus de Berewyk, *præfato Domino Regi* Angliæ ut ſuperiori et directo Domino regni Scotiæ fidelitatem fecerunt, et tactis ſacroſanctis Dei Evangeliis juraverunt. *Præſentibus nobilibus viris Dominis*, Johanne de Sancto Johanne, & Johanne Botecourte, *Militibus*; *cum Dominis* Waltero de Longeton, & Gilberto de Routhbyr. *& aliis quamplurimus.* *Anno Domini & Indictione prænotatis dicti menſis* Junii *die ultimo*, *congregati in Capella Caſtri de* Berewico *Burgenſes ejuſdem villæ ſubſcripti*, *videlicet* Simon de Tridelton, Radulphus Philippi, Robertus Oliver, Nicholaus Champion, Robertus de Lambreton. Richardus de Menſton. Jacobus Aurifaber, Henricus Tonſor, Thomas le Tannour, Rogerus Philippi, Richardus Gilbe, Willielmus Brokour, Robertus de Breghin, Walterus de Goſewyk, Tho. Bataile, Johannes de Knapton, Willielmus de Menſington, Johannes de Wainflet, Adam de Mulcreft, & Willielmus de Grendon. *venerunt*, *& in præſentia mei infraſcripti Notarii & Teſtium ſubſcriptorum*, dicto Domino Regi Angliæ fidelitatem fecerunt, ut ſuperiori et directo Domino regni Scotiæ, et tactis ſacroſanctis et oſculatis Dei Evangeliis juraverunt. *Præſentibus nobilibus viris Dominis*, Johanne de Sancto Johanne, Roberto Malet, & Helya de Hanville, *Militibus*; *cum Domino* Gilberto de Roubyr. *et aliis quamplurimus.* *Anno Domini et Indictione prænotatis menſis* Julii *die quinto*, *Nobilis vir Dominus* Willielmus Douglas *in Capella Manerii Domini* Walteri de Lindeſeya *apud* Thurſtanſton. *Sancti* Andrææ *Dioc. venit*, et fidelitatem fecit Domino Regi Angliæ memorato ut ſuperiori et directo Domino regni Scotiæ Domino Rege Angliæ prædicto in dicto Manerio hoſpitato; *præſentibus veneralibus in Chriſto patribus Dominis*, Antonio Dunolm. & Alano Cathenen. *Epiſcopis*; *& nobilibus viris aliis quamplurimus.* *Anno Domini & Indictione prædictis*, *menſis* Julii *die octavo*, *exiſtente Domino Rege* Angliæ *in* Caſtro Puellarum, *religioſus vir Dominus* Adam *Abbas Sanctæ* Crucis *de* Edinburgh, & *Dominus* Richardus Fraſel *venerunt*, *& in capella dicti Caſtri eidem Domino Regi* Angliæ (*ut ſupra*) fidelitatem fecerunt, et etiam juraverunt; *Præſentibus Nobilibus viris Dominis*, Willielmo Latymer, Radulpho Baſſet *Conſtabulario Caſtri*, & Thom. le Uſſer. *& aliis quamplurimus.*

Anno Domini & Indictione prænotatis, *menſis* Julii *die duodecimo*, *exiſtente dicto Domino Rege* Angliæ *in Caſtro de* Strivelin, *venerunt ibidem venerabilis in Chriſto pater* Willielmus *Dei gratia Epiſcopus* Dunblanen. & *nobiles viri Domini* Maliſius *Comes de* Strathern. Galfridus de Moubray, & Willielmus de Rotheinan. *& eidem Domino Regi* Angliæ ut ſuperiori et directo Domino regni Scotiæ fidelitatem fecerunt. *Præſentibus ibidem venerabilibus in Chriſto patribus Dominis* Antonio Dunolm. Roberto Glaſcuen. & Albano Cathenen. *Epiſcopis*; *ac nobilibus viris*, *Dominis*, Edmundo *Comite* Lancaſtriæ *dicti Domini Regis Germano*, Johanne de Sancto Johanne, Johanne Comyn *Domino de* Badenagh, & Patricio de Graham, *cum aliis quamplurimus.* Item, ibidem dictus Dominus Rex de unanimi voluntate et conſenſu expreſſo omnium Epiſcoporum, Comitum, Baronum et aliorum Nobilium regni Scotiæ tunc præſentium ordinationem quandam fecit ſuper fidelitatibus capiendis de perſonis abſentibus, qui fidelitatem facere tenebantur per totam terram Scotiæ, ut eorundem laboribus parceret, et expenſis, ſub hac forma. *Cuſtodes regni* Scotiæ, *videlicet* VVillielmus *Sancti* Andreæ, & Robertus Glaſcuen. *Epiſcopi*,

Jacobus

An. 20

An. 20 E. 1. Jacobus *Seneſcallus* Scotiæ, Johannes Comyn *Dominus de* Badenagh, & Brianus *filius* Alani, & *omnes alii qui per dictum Dominum aſſignabuntur ſuper fidelitatibus capiendis*, debent capere juramenta fidelitatum ab Epiſcopis, Comitibus, Baronibus, Magnatibus, et aliis Nobilibus et libere tenentibus et aliis univerſis, qui fidelitatem facere Domino Regi Scotiæ tenentur: qui vero venerunt et fidelitatem facere noluerint, attachientur per corpora ſua, donec fidelitatem fecerint, ut tenentur. Illi vero qui non veniunt, nec ſe excuſent, ſi habeant cauſam rationabilem, audiantur; et poſtea ad Parliamentum proximum adjornentur. Alii vero qui neque veniunt, nec ſe excuſant, donec fidelitatem fecerint acrius aſtringantur: *Epiſcopus Sancti* Andreæ, Johannes Comyn de Badenagh, & Brianus *filius* Alani hujuſmodi fidelitates recipere in villa Sancti Johannis de Perth. *Et Epiſcopus* Glaſcuen. *et* Jacobus *Seneſcallus* Scotiæ, & Nicholaus de Segrave *apud* Novum Caſtrum *ſuper* Are. Et *Comes de* Sutherland, & *Vicecom. Patrie cum Ballivis ſuis una cum Caſtellano loci de* Inthernes, *apud* Inthernes. Et *primo debet Caſtellanus recipere fidelitatem à dicto Comite, & poſtmodum ipſe cum Comite de Ballivis, Vicecomitibus & aliis de eodem Comitatu.* Et debent recipi hujuſmodi fidelitatis Juramenta a tertiodecimo die Julii in quindecim dies anno Domini ſuprædicto. VVillielmus de Sancto Claro & VVillielmus de Boyville debent capere fidelitatem *ab Epiſcopo* Candidæ Caſæ, & *poſtea idem Epiſcopus cum illis duobus* capiet fidelitates omnium illorum de Galwidia. *Et ſi eorum tertius impediatur, ita quod vacare non poſſit*, alii duo illorum faciant et procedant. *Et ita de aliis qui ſunt in Balliva prædicti* VVillielmi de Sancto Claro. Et habeat unuſquiſque prædictorum Cuſtodum poteſtatem capiendi hujuſmodi fidelitates in omnibus et ſingulis locis per quæ tranſierunt, ab illis qui eas prius non fecerunt. *Anno Domini & indictione prædictis, menſis* Julii *die decimo ſeptimo, exiſtente dicto* Domino *Rege apud* Dunfermelyn, *venerunt ibidem* Radulphus *Abbas ejuſdem loci*, & *Nobiles viri* Domini Andreas Fraſer, VVillielmus de Haya, Andreas de Moravia, & Conſtantinus de Loghore, *Vicecomes de* Fyf, et eidem Domino Regi Angliæ ut ſuperiori et directo Domino regni Scotiæ fidelitatem fecerunt et juraverunt, quidam eorum ſuper majus altare dicti Monaſterii, et quidam in Capitulo; *Præſentibus venerabilibus in Chriſto patribus Dominis*, Antonio Dunolmenſi, & Alano Cathenenſi *Epiſcopis*; *una cum Nobilibus viris*, *Dominis*, Iohanne de Sancto Iohanne, Patricio de Graham, & Galfrido de Moubray *Militibus, & aliis Nobilibus, Clericis ac Laicis quamplurimis. Anno Domini & Indictione prænotatis, dicti menſis* Julii *die decimo nono, congregatis in Capella de* Kingorn. *Nobilibus viris Dominis* Johanne de Moravia, Michaele Scoto, Acone de Kynros, Roberto Horeth, Willielmo de Logheton, & Thom. Keyr, *Militibus*, fidelitatem dicto Domino Regi Angliæ ut ſuperiori et directo Domino regni Scotiæ fidelitatem fecerunt, et tactis Sacroſanctis et oſculatis Dei Evangeliis juraverunt. *Præſentibus Nobili viro Domino* Willielmo de Laiburn *Milite, Dominus* Radulpho de Stanfordia, Waltero de Amundeſham, & Willielmo de Dunfres, *cum aliis Clericis ac Laicis quamplurimis. Anno Domini & Indictione prædictis, dicti menſis* Julii *die viceſimo ſecundo, exiſtente dicto Domino Rege apud Sanctum* Andræam, *venerunt ibidem in Capitulo loci religioſus vir* Johannes *Prior Sancti* Andreæ, *una cum Nobilibus viris Dominis* Adam de Rocref, Willielmo de Maul, Alexandro de Abrinthy, Hug. de la Haye, Henrico de Anſtrether, Alexandro de Ardern, Johanne de la Haye, & Roberto de Betune, *Militibus*, et fidelitatem dicto Domino Regi Angliæ ut ſuperiori et directo Domino regni Scotiæ fecerunt, et juraverunt, tactis Sacroſanctis et oſculatis Dei Evangeliis. *Præſentibus venerabilibus in Chriſto patribus Dominis* Willielmo de Sancti Andreæ, & Alano Cathenen. *Epiſcopis*, *Magiſtro* Alano de Dunfres, & *aliis tàm Clericis quàm Laicis in multitudine copioſa, Anno Domini & Indictione prænotatis, dicti menſis* Julii *die viceſimo tertio*, Johannes *Abbas Monaſterii de* Lunders, & *Nobiles viri Domini* Willielmus de Fenton, & Simon de Freſthele, *venerunt*, & *in Monaſterio de* Lunders ſuper majus Altare dicto Domino Regi Angliæ ut ſuperiori et directo Domino regni Scotiæ fidelitatem fecerunt, et tactis Sacroſanctis et oſculatis Dei Evangeliis juraverunt. *Præſentibus Domino* Waltero de Bello Campo, *dicti Domini Regis* Angliæ *Seneſcallo, cum Domino* Waltero de Amandeſham *Clerico, & aliis Clericis & Laicis quamplurimis. Anno Domini & Indictione prænotatis, dicti menſis* Julii *die viceſimo quarto, exiſtente dicto Domino Rege* Angliæ *in Villa Sancti*

Johannis

Johannis de Perth. *Burgenſes, & ipſius Ville Communitas in Cimiterio Eccleſie Fratrum Prædicatorum ejuſdem congregati; videlicet*, Johannes de Perth. Johannes Anker, Johannes filius Richardi, Robertus Piſcator *Ballivus Ville*, & Duncanus del Celer; *ſimiliter* Gilbertus Cokin, Alexander del Monthe, Petrus filius Wymark, Robertus de Scardeburgh, Radulphus Tundeman, Chriſtinus Flemeng, Walterus Diaconus, Adam le Trompour, Duncanus Corry, Johannes Douce, Adam le Tailour, Simon de Strathy, Johannes Rakſtra, Richardus de Nevile, Malcolmus de Janua, Walterus Shenker, Dovenaldus Brid, Robertus Carpentarius, Johannes de Lenne, Petrus Blackmantel, Hugo Thorel, Adam de Letham, Willielmus Dunſtan, Johannes Southren, Wadinus de Southgate, Rogerus de Baſigalli, Michael Pelliparius, Robertus de Alureton, Michael Troiſdeners, Simon Gaunter, Willielmus Talemer, Fergus & Michael de Inſula Miſſarum, Uttredus Mareſcallus, Thomas de Donewyce, Willielmus de Polle, Henricus Cirotecarius, Philippus Taket, *Magiſter* Willielmus de Sancto Nicholao, *Magiſter* Robertus de Boughan, Thomas Wyles, Johannes Dounan, Philippus de Berkle, Simon Tackmore, David de Dunde, Willielmus filius Præpoſiti, Richardus Piſtor, Robertus Piſtor, Adam de Athetle, Thomas Parvus de Donewyce, Willielmus Aurifaber, Willielmus de Crophill, Malcolmus Belle, Rogerus Piſtor, Reginaldus Speldre, Thomas de Carz, Robertus del Inche, Roſſi de Southgate, Simon le Sealer, Willielmus Lucifer, Simon de Keth, Petrus filius Roberti Knight, Willielmus Wynk, Johannes Stag, Audi de Kaingham, Andreas Scorth, & Patricius Galightly, *quilibet per ſe, pro ſe & Communitate dicte Ville* fidelitatem fecit, et tactis Sacroſanctis et oſculatis Dei Evangeliis juravit Domino Regi Angliæ memorato, ut ſuperiori et directo Domino regni Scotiæ præſtitit. *Præſentibus venerabili in Chriſto patre Domino* Alano Cathenen. *Epiſcopo, Cancellar.* Scotiæ, & *Nobilibus viris Dominis* Johanne de Sancto Johanne, & Roberto Malet *Militibus*, & *Domino* Waltero de Amundeſham *Clerico, cum aliis Clericis & Laicis quampluribus. Et eodem die in Eccleſia dictorum Fratrum Prædicatorum de* Perth. *religioſus vir frater* Andræas *Abbas de* Cupro, Maria *Regina de* Mann, & *Comitiſſa de* Strathern, Johannes le Botilier, & Johannes de Cambron *Milites*, & *in camera dicti Domini Regis ibidem, frater* Thomas *Abbas de* Scona, fidelitatem fecerunt Domino Regi Angl. memorato, ut ſuperiori et directo Domino regni Scotiæ, et ad Sancta Dei Evangelia juraverunt. *Præſentibus in Eccleſia & Camera venerabilibus in Chriſto patribus Dominis* Antonio Dunolm. Willielmo Sancti Andrææ, & Alano Cathenen. *Epiſcopis, ac Nobilibus viris Dominis* Dovenaldo de Mar, & Maliſio de Strathern, *Comitibus*, *Domino* Waltero de Bello Campo *dicti Domini Regis* Angliæ *Seneſcallo*, & *Domino* Henrico de Bluntiſdon *ipſius Regis Elemoſinar. cum aliis quampluribus. Anno Domini & Indictione prædictis, dicti menſis* Julii *die viceſimo quinto, Dominus* Johannes de Ergadia, *filius Nobilis viri Domini* Alexandri de Ergadia, *venit & in Camera dicti Domini Regis* Angliæ *illuſtris in domibus dictorum Fratrum Prædicatorum de* Perth. eidem Domino Regi ut ſuperiori et directo Domino regni Scotiæ fidelitatem fecit, et tactis Sacroſanctis et oſculatis Dei Evangeliis juravit. *Præſentibus venerabilibus in Chriſto patribus Dominis* Antonio Dunolm. & Alano Cathenen. *Epiſcopis, ac Nobilibus viris Dominis* Johanne Comyn de Badenagh, & Waltero de Bello Campo *Militibus, cum aliis quampluribus. Anno Domini & Indictione prænotatis, dicti menſis* Julii *die viceſimo octavo, exiſtente dicto Domino Rege* Angliæ *apud* Linliſcou, *venit ibidem* Chriſtina *Prioriſſa de* Manuel, & *eidem* Domino *Regi, ut ſupraſcripti*, fidelitatem fecit et juravit. *Præſentibus venerabilibus & diſcretis viris Domino* Henr. de Bluntiſdon *Archidiacono* Dorſetiæ, *Domino* Radulpho de Stanford, & Johanne de Exonia, *cum aliis quampluribus. Anno Domini & Indictione prænotatis, menſis* Julii *die viceſimo nono, exiſtente dicto Domino Rege* Angliæ *in Caſtro de* Edenburgh, *venerunt ibidem religioſus vir* Johannes *Abbas de* Neubotle, Radulphus *Magiſter Hoſpitalis de* Soltre, Walterus *Magiſter Domus de* Balnecrif, Alicia *Prioriſſa de* Hadington, et eidem Domino Regi ut ſuperiori et directo Domino regni Scotiæ fidelitatem fecerunt, et tactis Sacroſanctis et oſculatis Dei Evangeliis juraverunt, *in preſentia mei infraſcripti Notarii, & teſtium ſubſcriptorum. Præſentibus venerabili in Chriſto patre Domino* Antonio *Dei gratia* Dunolm. *Epiſcopo, ac Nobilibus viris Dominis* Umfrido de Bohun Hereford. & Johanne de Britannia Richem. *Comitibus*, Walterus de Huntrecombe, Radulpho Baſſet, Guidone Ferre, Thoma

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An. 20 E. 1. Thoma le Huſſer, & *Magiſtro* Edmundo de London. *cum aliis quamplurib*us. *Et eiſdem die & loco præſentibus, dictis teſtibus in camera dicti Domini Regis, ibidem venerunt frater* Alexander *Prior Hoſpitalis Sancti* Johannis Jeroſolymitani *in* Scotia, *& frater* Brianus *Præceptor Militiæ Templi in eodem regno*, et fidelitatem eidem Domino Regi Angliæ, ut supra, fecerunt, et juraverunt. *Anno Domini & Indictione prænotatis, menſis* Auguſti *die primo, exiſtente dicto Domino Rege apud* Berewicum *ſuper* Twedam, *venerunt ibidem venerabiles in Chriſto patres Domini* Henricus Aberdon. & Robertus Roſſen. *Epiſcopi, & Nobiles viri Domini* Willielmus *Comes de* Ros, Willielmus de Moravia Dives, & David de Graham *Milites*; & *in quadam Capella juxta cameram Domini Regis*, eidem Domino Regi ut superiori et directo Domino regni Scotiæ fidelitatem fecerunt, et ad Sancta Dei Evangelia (ut supra) juraverunt; *In præſentia venerabilium patrum Dominorum* Roberti Bathon. & Wellens & Alani Cathenen. *Epiſcoporum, & Nobilium virorum* Umfridi Hereford. & Henrici Lincoln. *Comitum*, Johannis de Sancto Johanne, & Roberti filii Walteri *Militum, Magiſtri* Johannis de Cadomo *Notarii publici, meique Notarii infraſcripti, & aliorum Clericorum & Laicorum quamplurium. Anno Domini & Indictione prænotatis, dicti menſis* Auguſti *die quarto*, Henricus *Abbas de* Abirbrothok, & *Dominus* David de Torthorand *Miles venerunt, & in Eccleſia Fratrum Prædicatorum de* Berewico *deſerta, dicto Domino Regi* Angl. ut superiori et directo Domino regni Scotiæ fidelitatem fecerunt, et ad Sancta Dei Evangelia juraverunt: *Præſentibus venerabilibus in Chriſto patribus Dominis* Antonio Dunolm. Roberto Bathon. & Wellen. Radulpho Carleolen. Willielmo Sancti Andreæ, Roberto Glaſcuen. & Alano Cathenen. *Epiſcopis, ac Nobilibus viris Dominis* Henrico de Laſcy Lincoln. & Rogero Bigot Northfolch. *Comitibus*, Briano *filio* Alani, & *Magiſtro* Willielmo de Grenefend *Canonico* Eborum, *Magiſtro* Johanne Erturi de Cadomo *publico apoſtolica authoritate Notario, cum aliis quamplurib*us, *& me Notario infraſcripto. Anno Domini & Indictione prænotatis, loco quo proximo ſupradicto menſis* Auguſti *die ſexto, religioſus vir Abbas de* Kynglos *venit*, & fidelitatem fecit Domino Regi Angliæ memorato ut superiori et directo Domino regni Scotiæ et inſpectis ſacroſanctis et oſculatis Dei Evangeliis jurabit. *Et in craſtino, loco eidem, videlicet dicti menſis* Auguſti *die ſeptimo*, *Dominus* Johannes de Cantelou *venit*, et fidelitatem fecit Domino Regi Angliæ memorato, et tactis ſacroſanctis et oſculatis Dei Evangeliis in forma prædicta jurabit. *Præſentibus venerabili in Chriſto Patre Domino* Alano Cathenen. *Epiſcopo*, *Domino* Johanne de Sancto Johanne, *Magiſtro* Johanne Erturi de Cadomo *Notario publico*, *cum aliis Clericis & Laicis quamplurib*us, *meque Notario infraſcripto.*

Anno à Nativitate Domini 1291. *Indictione quarta, dicti menſis* Auguſti *die tertia, Sereniſſimus Princeps & Dominus noſter Dominus* Edwardus *Dei gratia Rex* Angliæ *illuſtris*, ſuperior et directus Dominus regni Scotiæ, *quandam in præſentia mei infraſcripti Notarii & teſtium ſubſcriptorum fecit proteſtationem, ſermone tamen Gallico, hunc habentem ſententialiter intellectum.* Licet nos *Edwardus* Dei gratia Rex *Angliæ* nuper per noſtras literas conceſſerimus de noſtra gratia ſpeciali Nobilibus viris *Florentio* Comiti *Hollandiæ*, *Roberto de Brus* Domino *Vallis Anandiæ*, *Johanni de Balleolo* Domino *Galwidiæ*, *Johanni de Haſtinges* Domino de *Bergeveny*, *Johanni Comyn*, Domino de *Badenagh*, *Patricio de Dunbar*. Comiti de *Marchia*, *Johanni de Veſcy* Procuratore ſeu Attornato *Willielmo de Veſcy* patris ſui, *Willielmo de Ros*, & *Nicholao de Soules* petentibus ſeu vendicantibus ex ſucceſſione hæreditaria (ut jus ſuum) regnum *Scotiæ* coram nobis; quæ quidem partes una cum aſſenſu venerabilium patrum *Willielmi* Sancti *Andreæ* & *Roberti Glaſcuen.* Epiſcoporum, *Johannis Comyn* & *Jacobi* Seneſcalli *Scotiæ*, Cuſtodum dicti regni, necnon Comitum, Baronum, Procerum, & aliorum de Communitate ejuſdem regni tunc præſentium, & nobis ſuperius et directum Dominium ipſius regni Scotiæ recognoverunt, conſentientes etiam ſtare juri coram nobis ſuper petitionibus ſuis hujuſmodi et a nobis recipere juſtitiæ complementum, ita quod fieret eis juſtitia ſuper dictis ſuis petitionibus infra prædictum regnum *Scotiæ* & non alibi, donec Rex in eodem regno haberetur. Proteſtamur et dicimus, quod intentionis noſtræ non extitit, nec exiſtit, quod per gratiam hujuſmodi (quam prædictis Nobilibus petentibus & aliis de Communitate prædicta fecimus, ut præmittitur) nobis vel hæredibus noſtris Angliæ

Regibus

Regibus aliquod impoſterum præjudicium generetur, quin nos et ipſi in caſu con- *An.* 20 *E.* I.
ſimili et aliis emergentibus valeamus infra regnum noſtrum Angliæ pro voluntate noſtra libere Jus noſtrum ſuperioritatis et directi dominii dicti regni *Scotiæ* exercere et facere quod debeamus, et ad nos ut ſuperiorem et directum Dominum incumbit in futurum. *Facta fuit Proteſtatio ſupraſcripta (ut præmittitur) in Capella Caſtri de* Berewico *ſuper* Twedam, *anno, indictione, menſe & die proximo prænotatis; preſentibus venerabilibus in Chriſto patribus, Dominis,* Robertus Bathon. & Wellen. Antonio Dunolm. Willielmo Elien. Willielmo *Sancti* Andreæ, Roberto Glaſcuen. Henrico Aberdon. & Willielmo Dunblan. *Epiſcopis; ac Nobilibus viris Dominis,* Amadeo Sabaudiæ, Henrico Lincoln: Johanne de Boughan, Dovenaldo de Mar, & Willielmo de Ros, *Comitibus; & venerabilibus & diſcretis viris Magiſtris* Henrico de Newerk *Decano* Eborum, Roberto *Archidiacono* Ceſtriæ, Willielmo de Grenefeld *Canonico* Eborum, & Willielmo de Kilkenny, *Clericis; ac Nobilibus viris Dominis,* Johanne Comyn de Badenagh, Jacobo *Seneſcallo* Scotiæ, Johanne de Sancto Johanne, Nicolao de Segrave, Johanne de Soules, Willielmo de Sancto Claro, & Galfrido de Moubray, *Militibus; ac Magiſtro* Iohanne Erturi de Cadomo *publico apoſtolica auctoritate Notario,* teſtibus vocatis et rogatis; *cum Nobilibus & Prælatis utriuſque regni quamplurimis.*

Anno à Nativitate *Domini* 1291. *Indictione quarta menſis* Auguſti *die tertia continuata cum die* Jovis *prox. precedente, quem diem Jovis partes ſubſcripte jus ad regnum* Scotiæ *ex ſucceſſione hereditaria ſibi vendicantes, ex aſſignatione & prefixione ſereniſſimi Principis & Domini, Domini* Edwardi *Dei gratia Regis* Angliæ *illuſtris,* ſuperioris et directi Domini Regni Scotiæ ſuprædicti (*ut præmittitur*) *habuerunt ad comparendum ipſo apud* Berewicum *ſuper* Twedam, *& in negotio inter ipſas partes ſuper jure ſuccedendi in dictum regnum* Scotiæ *inchoato procedendum, petendum, reſpondendum, & recipiendum Juſtitiæ complementum; Convenientibus coram ipſo Domino Rege ſuoque conſilio in Eccleſia fratrum prædicatorum de* Berewico *deſerta, utriuſque regni Nobilibus & Prælatis, necnon omnibus & ſingulis jus ad dictum regnum* Scotiæ *vendicantibus, ac viginti quatuor de regno* Angliæ *auditoribus, per ipſum Dominum Regem* Angliæ *ratione ſuperioritatis & dominii ſui prædicti nominatis & electis (ut præmittitur;) et etiam octoginta auditoribus per nobiles viros, Dominos* Robertum de Brus, & Iohannem de Balleolo *& alios, qui nominationi & electioni per ipſos faciendæ conſentire voluerint, nominatis & electis ad audiendum petitiones & jura* Nobilium *prædictorum dictum regnum vendicantium, & ad cognoſcendum, diſcutiendum & diffiniendum de Jure ſingulorum petentium prædictorum, & Domino Regi prædicto id quod invenerint fideliter referendam, ut ipſe Deum habens præ oculis pro jure illius pronunciet, quem pinguius jus ad idem regnum habere viderit in eventu, & unicuique petenti juſtitiæ faceret complementum.* Inprimis *ex parte* Nobilis viri *Domini* Florentii *Comitis* Hollandiæ *fuit pro jure ſuo propoſitum, narratum & petitum hoc modo.*

Florentius Comes *Holandiæ* petit à Domino Rege *Angliæ* Superiori et directo Domino Regni *Scotiæ* hæreditatem ſuam dicti regni ſibi liberari tanquàm hæredi propinquiori; eo quod *Margareta* filia Regis *Norwegiæ* conſanguinea ipſius Comitis (cujus hæres ipſe eſt) fuit ſeiſitus in dominico ſuo ut de feodo de prædicto regno *Scotiæ* tempore pacis, tempore Domini *Edwardi* Regis *Angliæ* Superioris et directi Domini Regni Scotiæ; & inde nuper obiit ſeiſita; Et de prædicta *Margareta*, quia obiit ſine hærede de ſe, reſortiebatur Feodum & Dominium, ut debuit reſortiri cuidam *Adæ*, ut conſanguineo & hæredi ſororis quondam Regis *Scotiæ Willielmi* tritavi prædictæ *Margaretæ*; & de ipſa *Ada* deſcendit feodum & dominicum & debuit deſcendere cuidam *Florentio* ut filio & hæredi; Et de ipſo *Florentio* deſcendit Feodum & Dominicum & deſcendere debuit cuidam *Willielmo* ut hæredi; Et ex ipſo *Willielmo* deſcendit Feodum & Dominicum, & deſcendere debuit iſti *Florentio* ut filio & hæredi, qui nunc petit. Et quod ipſe eſt hæres ipſius *Margaretæ* propinquior, paratus eſt oſtendere prout debet, ſalvo ſibi beneficio addendi, mutandi & minuendi, prout melius viderit expedire.

Ex parte vero Nobilis viri Domini Patricii de Dunbar *Comitis de* Marchia pro Jure fuit propoſitum, narratum & petitum hoc modo. *Patricius* Comes de *Marchiâ* ſupplicat, quod ſuper regno *Scotiæ* ſibi fiat Juſtitiæ, quod debet de jure ſibi obvenire propter defectum ſucceſſionis deſcendentis à Rege *Scotiæ Alexandro* ultimo per reverſionem & reſortam ad *Idam* filiam *Willielmi* quondam Regis *Scotiæ*:

An. 20 E. 1. De qua descendit Jus succedendi ad dictum regnum ad *Patricium* Comitem de *Marchia*, tanquam ad filium & hæredem; A quo descendit idem Jus ad *Patricium* secundum similiter Comitem de *Marchia*, tanquam ad filium & hæredem, qui nunc petit ut hæres propinquior per successionem regni *Scotiæ*.

Ex parte vero Nobilis viri Domini *Willielmi de Vescy* fuit pro Jure suo propositum, narratum & petitum hoc modo. *Willielmus* Rex *Scotiæ* genuit *Alexandrum* Regem, qui regnavit post ipsum; & idem *Alexander* genuit *Alexandrum* secundum qui postea regnavit, & duxit in uxorem *Margaretam* filiam *Henrici* Regis *Angliæ* illustris, de quibus exivit una *Margareta*, quæ fuit nupta Regi *Norwegiæ*; Et de illis exivit quædam alia *Magareta*, quæ fuit hæres *Scotiæ*; quæ quidem sine hærede de corpore suo obiit, sicut illa quæ fuit minoris ætatis. Item idem *Willielmus* Rex genuit *Margaretam* sororem prædicti *Alexandri* Regis, & fuit nupta illa *Margareta Eustachio de Vescy*; de qua genuit *Willielmum de Vescy* qui obiit in *Vasconia*, & idem *Willielmus* genuit *Johannem de Vescy* (qui obiit sine hærede de corpore suo) & *Willielmum de Vescy* fratrem ipsius *Johannis*, qui modo petit regnum *Scotiæ*, sicut propinquior hæres de sanguine prædictæ *Margaretæ* quæ obiit sine hærede de se; per cujus obitum jus debet resortiri isti *Willielmo* qui modo petit.

Ex parte vero Nobilis viri Domini *Willielmi de Ros* fuit similiter pro jure suo propositum, narratum & petitum hoc modo. *Willielmus de Ros* supplicat, quod justitia sibi fiat de clamio suo quod ponit in regnum *Scotiæ*, quod sibi debet obvenire de Jure in hunc modum. Rex *Willielmus* genuit Regem *Alexandrum*, qui regnavit post ipsum; Et idem *Alexander* genuit *Alexandrum* secundum, qui postea regnavit, & habuit unam filiam *Margaretam* nomine, quæ fuit nupta Regi *Norwegiæ*; de quibus exivit quædam alia *Margareta*, quæ postea fuit hæres *Scotiæ*, & obiit sine hærede de corpore suo. Et per defectum exitus de sanguine ejusdem *Margaretæ*, & per reversionem debet reverti ad *Isabellam* primogenitam, & *Adam* & *Margaretam* filias dicti Regis *Willielmi*, patris dicti *Alexandri*, fratris prædictarum *Isabellæ*, *Adæ* & *Margaretæ*, & patris *Alexandri* qui ultimo obiit, sicut ad propinquiores de sanguine prædictæ *Margaretæ*; quæ quidem *Isabella* desponsata fuit *Roberto de Ros*: Et de ipsis *Roberto* & *Isabella* exivit quidam *Willielmus*, & de *Willielmo* quidam *Robertus*, de quo *Willielmus* qui nunc petit, sicut propinquior homo per defectum sanguinis prædictæ *Margaretæ* & reversionem prædictam ad *Isabellam* antecessorem suum, tanquam ad primogenitam; cui *Isabellæ* ratione primogenituræ debet dictum regnum integrè remanere: Et quod regnum non debet dividi paratus est verificare.

Ex parte vero Domini *Roberti de Pinkny* similiter fuit pro jure suo propositum, narratum & petitum hoc modo. *David* Rex *Scotiæ* genuit *Henricum*, *Henricus Willielmum*, *Willielmus Alexandrum* primum, *Alexander* primus *Alexandrum* secundum, & ille *Alexandrum* tertium, qui obiit sine prole, & *David* similiter, qui obiit sine prole, & *Margaretam* Reginam *Norwegiæ*, ex qua genita est quædam alia *Margareta*, quæ jam obiit sine prole. Ex prædicto *Henrico* patre Regis *Willielmi* similiter genita fuit quædam *Margareta*, ex qua *Margaretâ Alicia*, & ex ea *Henricus de Pinkny*, à quo *Henrico Robertus de Pinkny*, qui nunc petit regnum *Scotiæ* per reversionem & resortium ad dictam *Margaretam* proaviam suam propter defectum prolis exeuntis de prædicta *Margareta* filia Regis *Norwegiæ*.

Ex parte vero Domini *Nicolai de Soules* fuit similiter pro jure suo propositum, narratum & petitum hoc modo. Sicut Domino placuit *Alexandro*, qui ultimo obiit Rex seisitus de regno *Scotiæ*; & omnibus illis qui de illo per rectam lineam exierunt, viam universo carnis ingresso, Jus ejusdem resortiebatur, & debuit resortiri *Margaretæ* quondam uxori *Alani le Husser*, sicut uxori & hæredi ejusdem Regis *Alexandri*; Et de ipsa *Margareta* descendit Jus & descendere debuit *Ermegardæ* filiæ & hæredi prædicti Regis *Alexandri*, & de ipsa *Ermegaraia* descendit Jus & descendere debuit *Nicholao de Soules*, qui nunc petit sicut filius & hæres.

Ex parte vero *Patricii Galightly* pro jure suo similiter fuit propositum, narratum & petitum hoc modo. Coram vobis Dominis auditoribus à Domino Rege *Angliæ* superiori et directo Domino regni *Scotiæ* deputatis, ac Communitate tota, dicit & exponit *Patricius Galightly*, quod cum bonæ memoriæ Rex *Henricus* fuit pater *Willielmi* Regis, qui genuit *Alexandrum* Regem patrem Regis *Alexandri* ultimo defuncti,

defuncti, & idem *Patricius Galightly* sit ex eodem *Henrico* in legitimo matrimonio procreatus, ac per hoc ex Regali progenie sit propinquior Domino *Alexandro* Regi, ut filio patrui sui, *Alexandro* ultimo videlicet nunc defuncto, de cujus successione nunc agitur ad præsens, quod ipsum *Patricium* Domino *Alexandro* Regi defuncto propinquiorem gradum & jure potiorem ad successionem regni de jure sibi debiti præferatis; potissimè cum ab omnibus sit juratum post mortem ejusdem, quod deficiente Domicella, propinquiorem de sanguine regali in Regem assumerent, & ab eo nullatenus dissentirent: Et hæc dicit & proponit, salvo sibi jure addendi & diminuendi. *An.* 20 *E.* 1.

Ex parte vero *Rogeri de Mundeville* pro jure suo fuit similiter propositum, narratum & petitum hoc modo. *Rogerus de Mundeville* supplicat, quod de jure quod habet ad regnum *Scotiæ*, inquiratur per gentes de *Angliæ*, *Hiberniæ* & *Scotiæ*, ex eo quod quidam Rex *Willielmus* habuit unum filium & duas filias, & ante mortem suam tradidit illos cuidam *Malcolmo* Regi *Scotiæ* fratri suo, qui filium illius fecit occidi; una vero dictarum filiarum obiit, & alia quæ vocabatur *Austrip.* nupta fuit in *Ulvest.* cuidam *Willielmo de Say*; de quibus exivit unus filius vocatus *Willielmus*, & idem *Willielmus* habuit unam filiam vocatam *Anfuk*, quæ nupta fuit *Roberto de Vandone*; de quibus exivit una filia nomine *Agathæ*, cujus filius & hæres est iste *Rogerus*, qui modo petit.

Ex parte vero Nobilis viri Domini *Johannis Comyn* pro jure suo fuit similiter propositum, narratum & petitum hoc modo. Domino Regi *Angliæ* illustri, superiori et directo Domino regni *Scotiæ*, & coram auditoribus assignatis monstrat *Johannes Comyn*, Quod ipse habet melius jus ad regnum *Scotiæ* optinendum, & in eo ut Rex regnare quàm aliquis alius; ex eo quod quidam antecessor suus *Dovenaldus* filius *Duncani* filii *Erici* fuit feisitus de regno *Scotiæ* in Dominico suo ut de feodo tempore pacis, & in eo ut Rex de jure regnavit, de ipso *Dovenaldo* jus dicti regni *Scotiæ*, & debuit descendere cuidam *Gothrik*, ut filio & hæredi; & de *Gothrik* descendit jus & debuit descendere *Hextildæ* ut filio & hæredi; & de *Hextildæ* descendit jus & debuit descendere cuidam *Willielmo* ut filio & hæredi; de *Willielmo* descendit jus & debuit descendere cuidam *Ricardo* ut filio & hæredi; de *Richardo* descendit jus & debuit descendere cuidam *Johanni* ut filio & hæredi; & de *Willielmo* (quia obiit sine hærede de corpore suo) descendit jus & debuit isti *Johanni* qui modo petit ut fratri & hæredi. Et quod tale sit jus suum, paratus est verificare prout Dominus Rex & Consilium suum, ac Curia sua consideraverit secundum leges & consuetudines regni *Scotiæ*, & per Chronicas, & alio modo. Et supplicat, quod salvum sit sibi jus corrigendi, addendi & minuendi, & omne aliud quod sibi bonum videbitur dicere, secundum leges & consuetudines regni *Scotiæ*. Et non vult quod istud cedat in præjudicium *Johanni de Balliolo* ullo modo.

Ex parte vero Nobilis viri Domini *Johannis de Hastinges* fuit pro jure suo similiter propositum, narratum & petitum hoc modo. Cum regnum *Scotiæ* nuper vacaverit per mortem Regis *Alexandri*, qui ultimo obiit sine hærede, qui modo remaneat de se, qui possit hæreditatem in *Scotia* clamare; per quod terra *Scotiæ* & omnes aliæ terræ, quæ fuerint dicti Regis *Alexandri*, hæreditarie spectant ad exitum trium filiarum Comitis *David* fratris Regis *Willielmi* avi prædicti Regis *Alexandri*, ut ad consanguineas & unum hæredem, propinquiores de suo sanguine, videlicet ad *Margaretam*, *Isabellam* & *Adam*; & de prædicta *Ada*, exivit *Johannes* qui nunc petit regnum *Scotiæ* ut jus suum, tanquam hæres propinquior in gradu de sanguine Regis *Alexandri* qui ultimo obiit, & *Margaretæ* filiæ Regis *Norwegiæ* in linea collaterali, ut de legitimo regali sanguine *Scotiæ*.

Ex parte vero Nobilis viri Domini *Johannis de Balliolo* Domini *Galwidiæ* fuit similiter pro jure suo propositum, narratum & petitum hoc modo. Coram Domino Rege *Angliæ*, Capitali Domino *Scotiæ*, & coram auditoribus electis petit *Johannes de Balliolo* jus suum de regno *Scotiæ* de seisina antecessoris sui *David* nomine, qui fuit Rex & regnavit; unde de eodem *David* descendit jus & descendere debuit cuidam *Henrico* ut filio & hæredi; de eodem *Henrico* descendit jus *Malcolmo* ut filio & hæredi, & regnavit & obiit sine hærede de corpore suo; unde de *Malcolmo* descendit jus & debuit descendere *Willielmo* ut fratri & hæredi; de *Willielmo* qui regnavit descendit jus & debuit descendere *Alexandro* ut filio & hæredi; *Alexander* regnavit, & descendit jus & debuit descendere *Alexandro* ut filio & hæredi, qui

An. 20 E. I. ultimo obiit Rex; de *Alexandro* descendit jus & debuit descendere *Alexandro* ut filio & hæredi; *Alexander* obiit sine hærede de corpore suo, & descendit jus & debuit descendere *David* ut fratri & hæredi; *David* obiit sine hærede de corpore suo, & descendit jus & debuit descendere *Margaretæ* ut sorori & hæredi; de *Margareta* descendit jus & debuit descendere *Margaretæ* ut filiæ & hæredi filiæ Regis *Norwegiæ*; de illa *Margareta*, quia obiit sine hærede de se, resortiebatur jus & debuit resortiri *Margaretæ*, *Marjoriæ* & *Isabellæ*, ut consanguineis & uni hæredi, **(si regnum esset partibile)** sororibus *Alexandri* proavi *Margaretæ* filiæ Regis *Norwegiæ*: **Et quia regnum non est partibile,** remansit jus & debuit remanere de integro *Marjoriæ*, ut sorori antenatæ prædictæ *Margareta* & hæredi; de illa *Marjoria* descendit jus & descendere debuit (quia obiit sine hærede de corpore suo) cuidam *Isabellæ* ut sorori & hæredæ; de *Isabella* resortiebatur jus & debuit resortiri cuidam *David*, ut avunculo & hæredi fratri Regis *Willielmi* patris ejusdem *Isabellæ*; de *David* descendit jus & debuit descendere *Henrico* ut filio & hæredi; *Henricus* obiit sine hærede de corpore suo, unde de eodem *Henrico* descendit jus & debuit descendere cuidam *David*, ut frater & hæredi; *David* obiit sine hærede de corpore suo, unde de ipso *David* descendit jus & debuit descendere cuidam *Johanni*, ut fratri & hæredi; *Johannes* obiit sine hærede de corpore suo, unde de eodem *Johanne* descendit jus & debuit descendere *Margaretæ*, *Isabellæ*, *Matildæ* & *Adæ*, ut sororibus & uni hæredi, **si regnum esset partibile; Et quia regnum non est partibile,** descendit jus de integra *Margaretæ* sorori antenatæ dicti *Johannis*, ut sorori & hæredi; de *Margareta* descendit jus & debuit descendere cuidam *Thomæ* ut filio & hæredi; *Thomas* obiit sine hærede de corpore suo, unde de ipso *Thomæ* descendit jus & debuit descendere *Christianæ* & *Dervorgildæ*, ut sororibus & uni hæredi, **si regnum esset partibile; Et quia regnum est impartibile,** descendit jus de integro *Christianæ* prædictæ, ut sorori antenatæ prædicti *Thomæ*, & hæredi. Eadem *Christiana* obiit sine hærede de corpore suo, unde de ipsa *Christiana* descendit jus & debuit descendere *Dervorgildæ* ut sorori & hæredi; de *Dervorgilda* descendit jus & debuit descendere *Hugoni* ut filio & hæredi; *Hugo* obiit sine hærede de corpore suo, & descendit jus & debuit descendere *Alano* ut fratri & hæredi; *Alanus* obiit sine hærede de corpore suo, de quo descendit jus & descendere debuit *Alexandro* ut fratri & hæredi; *Alexander* obiit sine hærede de corpore suo, unde de ipso descendit jus & descendere debuit *Johanni de Balliolo*, ut fratri & hæredi, qui modo petit jus suum, **ut illi qui exiit de sorore primogenita de regno impartibili:** Et supplicat Domino Regi, & suo Consilio, & aliis electis, **quod velint jus suum decidere secundum leges et consuetudines** *Scotiæ*, **et sibi justitiam exhibere;** salvo sibi jure addendi & diminuendi secundum leges & consuetudines *Scotiæ*.

Ex parte vero Nobilis viri Domini *Roberti de Brus* Domini vallis *Anandiæ*, & pro jure suo fuit similiter propositum, narratum & petitum hoc modo. Coram vobis Domino *Edwardo* Dei gratia Rege *Angliæ* illustri, **et superiori Domino regni** *Scotiæ*, monstrat *Robertus de Brus* Dominus vallis *Anandiæ*, quod ipse est rectior & propinquior hæres regni *Scotiæ* cum pertinentiis; quia Rex *Willielmus* Rex *Scotiæ* antecessor suus frater Comitis *David* de *Huntingdon* fuit seisitus de ipso regno in Dominico suo ut de feodo & jure cum pertinentiis tempore pacis, tempore *Henrici* Regis *Angliæ*, qui vocabatur filius Imperatricis, & temporibus Regum *Ricardi* & *Johannis* filiorum suorum. Et idem *Willielmus* regnavit Rex in *Scotia* tempore suo, & pacifice obiit Rex seisitus: De eodem *Willielmo* descendit regnum *Scotiæ* *Alexandro* filio suo, ut filio & hæredi, qui regnavit & obiit Rex seisitus: De eodem *Alexandro* descendit regnum *Alexandro* filio suo, ut filio & hæredi, qui regnavit & obiit Rex seisitus. Ille idem *Alexander* habuit duos filios, *Alexandrum* primogenitum, & *David* secundogenitum, & unam filiam quæ vocabatur *Margareta*, quæ fuit Regina *Norwegiæ*; qui filii obierunt vivente patre, & nullum statum expectaverunt regnandi in regnum *Scotiæ*. Illa *Margareta* habuit unam filiam de Rege *Norwegiæ* nomine *Margaretam*; cui prædictus Rex *Alexander* Rex *Scotiæ* avus suus in vita sua post mortem liberorum suorum, fecit probos homines terræ suæ jurare & affirmare per scriptum ad tenendum eam pro Domina regni *Scotiæ*, si decederet sine hærede de corpore suo. Quæ quidam *Margareta* obiit sine possessione corporali regni *Scotiæ* expectanda, & sine hærede de corpore suo. Post quam *Margaretam*, nihil remansit de exitu prædicti Regis *Willielmi* in linea descendente;

per

per quod regnum *Scotiæ* cum pertinentiis debuiſſet per legem & juſtitiam reſortitum fuiſſe Comiti de *Huntingdon*, poſtnato fratri prædicti Regis *Willielmi*, ſi ſtatum regnandi in regnum *Scotiæ* expectaſſet. Qui quidem *David* habuit tres filios, *Henricum*, *David* & *Johannem*, qui fuit Comes *Ceſtriæ*; qui omnes obierunt ſine hæredibus de corporibus ſuis, & ſine ſtatu regnandi in regno *Scotiæ* expectando. Ille idem *David* habuit etiam quatuor filias, *Matildem* quæ obiit ſine hærede de corpore ſuo, *Margaretam*, *Iſabellam*, & *Adam*; de *Iſabella* exivit *Robertus de Brus*, qui modo eſt, qui petit regnum *Scotiæ*; propter quod idem *Robertus* dicit, quod regnum *Scotiæ* debet reſortiri ad eum ſine medio per legem & juſtitiam ut propinquiori in gradu de ſanguine Regis *Alexandri*, qui ultimo obiit, & *Margaretæ* filiæ Regis *Norwegiæ* ſupradictæ in linea collaterali, ut de ſanguine regali *Scotiæ* legitimo. **Quod quidem regnum *Scotiæ* cum pertinenciis dictus *Robertus de Brus* clamat tenere libere in libertate regni de vobis Domino *Edwardo* Dei gratia Rege *Angl.* et de Corona *Angliæ* hæreditarie imperpetuum.** Et monſtrat vobis, quod Rex *Alexander* filius Regis *Willielmi* prædicti deſperans de hærede de corpore ſuo tenuit dictum *Robertum* rectum hæredem ſuum, ſi ipſe decederet ſine alio hærede de ſuo corpore habendo. Et pro tali diffinivit ex aſſenſu proborum hominum de regno ſuo, & pro tali ipſum pronunciavit coram eis, de quibus plures adhuc ſunt ſuperſtites, qui de hoc teſtimonium poterunt perhibere. Et Rex etiam *Alexander*, qui ultimo obiit, tenuit ipſum pro tali, & id pluribus ſpecialibus ſuis dedit intelligi, ſi exitus de ipſo deficeret. Et præterea omnes probi homines de *Scotia* ſunt jurati propinquiori de ſanguine Regis *Alexandri*, qui ultimo obiit, qui de jure hæreditare debebit, ſi dicta *Margareta* filia Regis *Norwegiæ* ſine hærede de corpore ſuo obiret. Unde ſupplicat Dominationi veſtræ, quod ſecundum formam petitionis ſuæ ſibi velitis plenam juſtitiam exhibere, ſicut ad veſtram pertinet dignitatem. Salvo ſibi jure in omnibus addendi, mutandi & diminuendi ſecundum quod attendet ſuo profectui convenire. *An.* 20 E. I.

Quibus petitionibus partium prædictarum coram dictis auditoribus (ut præmittitur) propoſitis, eorumque rationibus oſtenſis, **et dicto Domino Regi relatis per auditores prælibatos in præſentia Prælatorum et Nobilium utriuſque regni ibidem præſentium, præſentibus omnibus et ſingulis petentibus dictum regnum, meque Notario infraſcripto; præfixit idem Dominus Rex et etiam aſſignavit petentibus dictum regnum de conſenſu eorundem, diem Lunæ proximo poſt feſtum Sanctæ Trinitatis,** *Anno Domini* 1292. *Indictione quinta, menſis* Junii *die ſecundo,* **in Parliamento ſuo loco eodem coram ipſo cum continuatione et prorogatione dierum, ad procedendum, cognoſcendum et diſcutiendum ſuper petitionibus partium prædictarum uſque ad finalem deciſionem earundem.**

Anno à Nativitate Domini 1292. *Indictione quinta, menſis* Junii *die ſecundo, Domino Rege* Angliæ *illuſtri apud* Berewicum *ſuper* Twedam, *congregatiſque ibidem utriuſque regni Nobilibus & Prælatis, ac Auditoribus electis nominatis, & per ipſum Dominum Regem deputatis ad audiendum petitiones & jura partium dictum regnum* Scotiæ *vendicantium, cognoſcendum & diſcutiendum de eiſdem, & Domino Regi quid invenerint, referendum; comparuerunt coram ipſis Nobiles viri ſupraſcripti jus ad regnum* Scotiæ *vendicantes; ſecundum formam præfixionis eis factæ jus ſuum proſecuturi, facturi ulterius & recepturi quod juſtitia ſuaderet. Ex parte egregii Principis & Domini, Domini* Erici *Dei gratia Regis* Norwegiæ, *quidam ſui Nuncii & Procuratores literatorie conſtituti coram dicto Domino Rege* Angliæ *ſuoque Conſilio comparuerunt; videlicet, Magiſter* Hugotio Plebanus, *Plebis de* Caſtellione Aretine *Dioc. Domini Papæ Capellanus, Magiſter* Petrus Algoti, *Magiſter* Bernardus Ludovici, Willielmus de Torroghan *Miles, &* Aymo *Canonicus* Berghan, *ſicut per ipſius Regis* Norwegiæ *literas ſui ſigilli impreſſione munitas, per ipſos in medio exhibitas & perlectas apparebat; petentes nomine dicti Domini ſui dictum regnum* Scotiæ, *cum juribus & pertinentiis ſuis eidem Domino ſuo adjudicari, ipſumque in Regem dicti regni per prædictum Dominum Regem* Angliæ **ſuperiorem Dominum dicti regni** Scotiæ *conſtitui & ordinari, & in corporalem poſſeſſionem ejuſdem regni* Scotiæ *mitti & manuteneri. Supplicarunt inſuper dicti Procuratores, procuratorio nomine dicti Domini ſui, eidem Domino Regi* Angliæ, *quod nemini dictum regnum* Scotiæ *in ipſius Regis* Norwegiæ *Domini ſui præjudicium, damnum & gravamen adjudicaret: Pro eo quod ipſum regnum* Scotiæ *per mortem Dominæ* Margaretæ, *& claræ memoriæ quondam*

Domi-

An. 20 *E.* 1. *Domina & Regina ipsius regni* Scotiæ *filiæ dicti Regis* Norwegiæ *ad ipsum jure hereditario est legitime devolutum.* Whose Letters of Procuration I shall here insert out of * *Thomas Walsingham*, not transcribed in this Record.

* Hist. Angl. An. 1293. p. 21. Ypodig. Neustr. p. 76, 77.

OMnibus præsentes literas inspecturis vel audituris pateat evidenter, quod nos *Ericus* Dei gratia Rex *Norwagiæ* tenore præsentium fecimus, constituimus & ordinavimus, prout de jure & facto melius facere potuimus, nostros vèros & legitimos Attornatos, & Procuratores & Nuncios speciales, nobilem virum *Adven. de Hagr.* & Magistrum *H. Plebanum*, Plebis de *Castilione*, *Arretino* **Domini Papæ Capellanum**, & Magistrum *Petrum Algor.* ad comperiendum pro nobis & vice nostra, coram excellenti Principe Domino Dei gratia *Edwardo* Rege *Angliæ* illustri, **et superiori Domino regni** *Scotiæ*, & ad petendum nomine nostro, **tanquam per superiorem Dominum regni** *Scotiæ* **nobis adjudicari regnum** *Scotiæ* **supradictum**, cum omnibus juribus & pertinentiis suis, cum ipsum regnum per mortem Dominæ *Margaretæ* filiæ nostræ, olim Dominæ & Reginæ regni *Scotiæ*, sit ad nos jure hæreditario devolutum legitimè. Item ad petendum nomine nostro adjudicari nobis & præfatis Attornatis & Procuratoribus nostris, assignari pro nobis fructus & redditus regni *Scotiæ* quatuor annorum, qui fluxerunt à tempore mortis Domini *Alexandri* bonæ memoriæ quondam Regis *Scotiæ*, usque ad diem mortis Dominæ *Margaretæ* filiæ nostræ, olim Dominæ Reginæ *Scotorum*, qui percepti sunt vel percipi debuerunt de dicto regno, cum ad nos dicti fructus seu Redditus pleno jure pertineant; tum quia fuimus legitimus administrator bonorum Reginæ præfatæ cum viveret, tum etiam quia gravia expensarum & sumptuum onera sustinuimus propter eam, dum in regno *Norwagiæ* moram traxit, & postmodum mittendo eam ad regnum suum *Scotiæ* supradictum. Item ad petendum nomine nostro condemnari universitatem regni *Scotiæ*, & ipsum regnum ad solvendum nobis seu dictis Attornatis & Procuratoribus nostris recipientibus vice nostra **pœnam Centum millium librarum Sterlingorum, in quam inciderunt universitas prædicta et regnum prædictum, non recipiendo libere præfatam Dominam** *Margaretam* **filiam nostram in Dominam et Reginam regni** *Scotiæ*, **nec ei obediendo in aliquo.** Et ad petendum supplementum septingentarum marcarum quas habere debemus à regno *Scotiæ*, occasione dotis Dominæ *Margaretæ* olim filiæ nostræ & uxoris Regis *Scotiæ* prædicti, cum fructus & redditus terrarum nobis assignati pro septingentis marcis annuis, ad quingentarum summam non ascendant. Item ad agendum & defendendum, lucrandum & perdendum coram præfato Principe Domino *Edwardo* Rege *Angliæ*, **superiore Domino regni** *Scotiæ* debita quomodocunque & qualitercunque, & ex quacunque causa vel causis nobis debeantur, & à quibuscunque personis, loco vel universitate, & quocunque nomine illa jura censeantur, & ad omnia alia & singula facienda, quæ veri & legitimi Attornati seu Procuratores & Nuncii facere possent in præmissis, & quilibet præmissorum si mandatum etiam exegerint speciale, quam nosmet facere possemus si præsentes essemus: promittentes sub hypotheca & obligatione omnium bonorum nostrorum, pactum firmum & gratum habere & tenere perpetuò, & non contravenire aliquo ingenio vel modo, quicquid per prædictos Attornatos seu Procuratores nostros, vel duos saltem ex eis actum vel procuratum fuerit in præmissis & quolibet præmissorum. Datum *Tunsburg*. Anno Dom. 1292. anno regni nostri terciodecimo. In cujus rei testimonium has literas fieri fecimus, & nostro Sigilli munimine roborari. The Record thus proceeds.

Qua petitione, ut præmittitur audita, præcepit Dominus Rex Angliæ *auditoribus supradictis, & injunxit, ut ad locum pristinum pergerent, & petitionem* Domini *Regis* Norwegiæ *inter petitiones* Nobilium *regnum* Scotiæ *vendicantium audirent, & super ipsis petitionibus, rationibus & juribus partium petentium dictum regnum cum summa diligentia cognoscerent, & cognitione et discussione præhabita diligenti de jure singulorum*, **eidem Domino Regi referrent:** *Præcepit etiam idem Dominus Rex, et injunxit omnibus et singulis jus ad dictum regnum* Scotiæ *vendicantibus, quod ad dictum locum accederent, et petitiones suas coram ipsis auditoribus prosequerentur, si sibi viderint expedire. Quibus ut præmittitur coram ipsis auditoribus loco, quo prius, comparentibus; recitatis ibidem et perlectis petitionibus petentium prædictorum, eorumque rationibus cum summa diligentia auditis, & responsionibus hinc inde factis, ad easdem propter aliquas difficul-*

difficultates in præmissis petitionibus compertas, rationes et allegationes hinc inde factas, præfati auditores ad ipsum Dominum Regem accesserunt, *et quæ coram ipsis acta fuerunt, seriatim per ordinem referebant. Qui omnia & singula prædicta sibi relata per auditores memoratos*, cum omnibus et singulis utriusque Regni Nobilibus et Prælatis totoque suo consilio diligentius examinavit. *Et discussione super his habita diligenti, quia consideravit magnam dilationem ex prædicto modo procedendi, non sine gravi dampno & periculo ipsius regni posse verisimiliter pervenire; Volensque dicto periculo obviare, lites & jurgia sedare, et quatenus poterit dictum processum abbreviare, & ad maturam & celerem expeditionem hujusmodi negotii procedere, de voluntate unanimi & consensu expresso omnium & singulorum petentium prædictorum*, consentientibus etiam utriusque regni Nobilibus et Prælatis, ordinavit quod primo procederetur ad cognoscendum, discutiendum et diffiniendum de jure dictorum Roberti de Brus, & Johannis de Balliolo, *quousque discussum fuerit ad plenum de jure eorundem, & quis ipsorum potior sit in jure regnandi, & dictum regnum* Scotiæ *gubernandi. Et quod interim alii omnes & singuli Petentes prænotati de prosequendo supersedeant, & suam omnino differant prosecutionem, jure tamen eorum & cujuslibet eorundem eis in eventu & eorum cuilibet semper salvo. Ita videlicet quod discussio plenè & determinato inter ipsos* Robertum & Johannem, *cæteri omnes petentes & eorum quilibet, jus sibi competens ex tunc liberè prosequatur modo quo voluerit & crediderit meliori. Qua ordinatione ut præmittitur dicta & ab omnibus acceptata, & etiam approbata*, licet idem Dominus Rex Angliæ de Jure sibi competenti ratione superioritatis et directi sui Dominii prælibati, ad cognoscendum, discutiendum et terminandum dictum regnum procedere potuisset, *tamen ut securius & consultius cognosceret & diffiniret, quo ipse per ipsos auditores* Scotiæ *octoginta fuisset plenius informatus*; recepto primitus ab ipsis octoginta Auditoribus corporali Juramento, de fideli suo consilio sibi impendendo, præcepit eisdem et injunxit sub debito præstiti Juramenti, quod sibi consulerent, qualiter et per quas leges sive consuetudines sit in prædicto negotio ad judicium procedendum. *Habitoque inter ipsos auditores super hoc tractatu diutino et diligenti, cum inter se non poterunt concordare, eidem Domino Regi una voce dicebant*, quod propter dissentiones aliquas super legibus et consuetudinibus diversis inter ipsos ortas, non audebant in casu tam arduo et hactenus inaudito absque majori et saniori Consilio et Deliberatione, eidem Domino Regi consulere; *Supplicarunt insuper eidem Domino Regi, quod placeret sibi dictos viginti quatuor de* Anglia *Auditores per ipsum assignatos eisdem associare. Quibus viginti quatuor* Angliæ *dictis octoginta* Scotiæ *associatis, post deliberationem & tractatum aliqualem habitum cum eisdem super præmissis, ad ipsum Dominum Regem redierunt & eidem dixerunt*; Quod ex quo dicti octoginta de *Scotia* super legibus & consuetudinibus *Scotiæ* in tanta perplexitate & discordia fuissent, de quorum consilio si concordes essent, idem Dominus Rex ad figurandum Judicium in prædicto negotio procedere debuisset, & ipsi viginti quatuor *Angliæ* pauci sint respectu illorum octoginta; nec etiam ipsi sint à majoribus & discretioribus regni *Angliæ*, propter quæ non audebant super se assumere tantum onus, absque majori consilio Prælatorum, Nobilium, Magnatum et Sapientum regni *Angliæ* tunc absentium, nec etiam consulere in negotio prænotato; *Eapropter de Consilio unanimi & consensu omnium auditorum prædictorum, & aliorum utriusque regni Nobilium & Prælatorum ibidem præsentium, ac petentium idem Regnum prædictum, præfixit & assignavit idem Dominus Rex dictis Nobilibus ipsum regnum* Scotiæ *petentibus diem crastinum Translationis Sancti* Edwardi *Regis & Confessoris* in Parliamento suo loco eodem, coram ipso et auditoribus, ad procedendum ibidem in negotio memorato, *cum continuatione & prorogatione dierum, cognoscendum, discutiendum, & de jure singulorum diffiniendum, pronunciandum & declarandum, prout de jure fuerit faciendum. Et quod majores & discretiores regni sui ob istam causam ad dictos diem & locum convocarentur præcepit. Et quod medio tempore tam dicti hinc inde auditores, quam cæteri omnes utriusque regni Nobiles & Prælati tunc præsentes super præmissis cogitarent & deliberarent, quod consultius fieri debeat in eventu.* Et decrevit idem Dominus Rex interim, *per suos certos nuncios diversarum terrarum super facto hujusmodi consulere sapientes, & ut eorum consilium citra dictum diem sibi referatur. Acta apud* Berewicum *super* Twedam (*ut præmittitur*) *anno, indictione, mense & die proximo prænotatis, cum continuatione & prorogatione dierum. Præsentibus venerabilibus in Christo*

An. 20 E. I.

An. 20 E. 1. *sto Patribus Dominis* Antonio Dunolm. Roberto Bathon. & Wellen. Willielmo Elien. Willielmo *Sancti* Andrææ, Roberto Glaſcuen. & Henr. *Dei gratia* Aberdon. *Epiſcopis, & Nobilibus viris Dominis* Amadeo Subaudiæ, Henrico Lincoln. Johanne de Boughan & Dovenando de Mar *Comitibus, ac Magiſtro* Johanne Erturi de Cadomo *publico apoſtolica authoritate Notario, cum aliis tàm Eccleſiarum Prælatis utriuſque regni, quam Comitibus, Baronibus & Militibus, & aliis popularibus in multitudine copioſâ.*

Anno à Nativitate 1292. *Indictione ſexta, menſis* Octobris *die quintodecimo, in craſtino videlicet Sancti* Edwardi *Regis & Confeſſoris, exiſtente ſereniſſimo Principe & Domino, Domino* Edwardo *Dei gratia Rege* Angliæ *illuſtri*, ſuperiori et directo Domino regni Scotiæ *apud* Berewicum *ſuper* Twedam, et Parliamentum ſuum ibidem indictum incipiente, comparuerunt coram ipſo Nobiles viri omnes et ſinguli regnum Scotiæ vendicantes, *& etiam utriuſque regni Nobiles, & Prælati, ac Auditores prælibati: nominati, electi & aſſignati quæſivit idem Dominus Rex in primis palàm & publicè, ſicut aliàs in ultimo ſuo Parliamento ibidem fecerat, ab omnibus utriuſque regni Nobilibus & Prælatis auditoribus memoratis, & aliis de Conſilio ſuo ſapientibus & diſcretis*, per quas leges ſive conſuetudines ſit in prædicto negotio ad judicium procedendum? Et, an in caſu in quo certæ leges non reperiuntur vel conſuetudines, aut etiam diverſæ et Scotiæ regnis, qualiter ſit judicandum? Et ſi de dicto regno Scotiæ ſit aliter judicandum, quam de Comitatibus, Baroniis, et aliis Tenuris? *Reſponderunt una voce, nullo contradicente vel reclamante, concorditer*, Quod per Leges et Conſuetudines regni illius qui præeſt, ſi certæ reperiantur, in hoc caſu judicare poteſt et debet; Et ſi in caſu hujuſmodi leges certæ et Conſuetudines non reperiuntur; Idem Dominus Rex de Conſilio Nobilium et Prælatorum, et aliorum Procerum et Magnatum regni ſui poteſt et debet condere novam legem. *Dixerunt etiam*, quod de prædicto regno quoad jus ſuccedendi, eſt judicandum, et ad judicium procedendum, ſicut de Comitatibus, Baroniis et aliis Tenuris impartibilibus. *Quibus Reſponſionibus auditis & intellectis, queſivit Dominus Rex à prædictis* Nobilibus *viris* Dominis Roberto de Brus, & Johanne de Balliolo, *ſi vellent quicquid aliud pro juris ſui declaratione, quam propoſuerunt, proponere, dicere vel oſtendere? Ipſis vero reſpondentibus*, Quod ſicut præcepit & injunxit auditoribus memoratis, quod locum quo prius adirent, & prædictos *Robertum & Johannem* de die in diem in omnibus & ſingulis, quæ dicere ſeu proponere vellent, benignè audirent, ſibique eorum rationes oſtenſiones & jura præhabita diſcuſſione diligenti fideliter referrent. *Coram quibus auditoribus in Eccleſia fratrum prædicatorum de* Berewico *deſerta, prafati* Nobiles, Robertus & Johannes, *una cum aliis petentibus ad ipſius Domini Regis præceptum conſtituti. Dictus* Dominus Robertus de Brus *ad ea quæ in petitione ſua ſupraſcripta proponebantur adjecit dicendo, ratiocinando, & narrando*; Quod quæſtio ſuper jure regnandi, habet terminari & judicari per *Jus naturale per quod Reges regnant, & non per leges & conſuetudines inter ſubditos uſitatas*; per quod quidem *Jus naturale* proximior in ſanguine linea collaterali, melius Jus habet regnandi. *Dicebat etiam*, quod Lex & Conſuetudo quæ ſunt inter Tenentes & Subditos, *Superiorem ligare non poſſunt, præcipuè Regem ſuum. Unde dixit*, quod licet in hæreditatibus partibilibus ſecundum leges & conſuetudines inter ſubditos obſervatas primogenita aliquam habeant Prærogativam, in regno tamen impartibili, ubi proximorum in ſanguine regali legitimus tempore vacationis regni inventus ſecundum Jus naturale eſt præferendus, primogenita nullam habet nec habere debet prærogativam. *Dixit etiam*, quod Conſuetudo ſuccedendi in regnum *Scotiæ* plenè facit pro eo; quia uſitatum eſt in *Scotia*, quod frater Regis præcedentis præferendus eſt ejus filio in ſucceſſione regni *Scotiæ*, ratione proximitatis in gradu. Et ad hoc quædam antiqua produxit exempla; videlicet, quod quidam *Dovenaldus* frater *Kineth mach Alpin* regnavit immediate poſt fratrem ſuum, excluſo *Conſtantino* primogenito prædicti *Kineth*; & hoc ratione propinquitatis ſanguinis ipſius *Alpini*, & poſt prædictum *Dovenaldum* regnavit *Conſtantinus* primogenitus ipſius *Kineth mac Alpin*. Et poſt eum regnavit *Eth.* frater ejus ſenior; excluſo *Dovenaldo* filio prædicti *Conſtantini*: De quibus *Conſtantino* & *Eth.* fratribus & filiis prædicti *Kineth mac Alpin* deſcenderunt omnes Reges, qui poſtea regnaverunt in *Scotia* uſque modò, & ſemper ſicut erant propinquiores in gradu regnabant quilibet poſt alium uſque ad tempus Regis *Malcolmi* viri Sanctæ

Margaretæ

Magaritæ Reginæ. Et adhuc poſt prædictum *Malcolmum*, quidam frater ejus regnavit, excluſo filio ejuſdem *Malcolmi* : Et adduxit ultrà ſimiliter idem Dominus *Robertus* quædam alia exempla de conſimilibus ſucceſſionibus in quibuſdam terris aliis et regionibus, utpote de Comitatu *Sabaudiæ* & regno *Yſpaniæ*. *Dixit etiam*, quod mulier regnare non debet, quia officium regiminis exercere non poteſt; et tempore quo prædictum regnum vacabit per mortem Regis *Alexandri* ultimi Regis *Scotiæ* fuit *Dervorgulda* mater prædicti *Johannis de Balliolo* ſuperſtes, quæ ratione prædicta regnare non potuit nec debuit. Et ſic Jus ipſius regni prædicto *Roberto* tanquam Maſculo, & in æquali gradu cum prædicta *Dervorgulda* exiſtenti ſine medio debet reſortire propter inſufficientiam dictæ *Dervorgulda* quia Mulier. Unde petit idem *Robertus*, quod habito reſpectu ad leges Regales, per quas Reges regnant et regnare debent, et etiam ad exempla per ipſum producta; Quod dictus Dominus Rex jus ſuum velit declarare, et ſibi Juſtitiam exhibere. *An.* 20 E. 1.

Ad hæc ſtatim ex parte Nobilis viri Domini *Johannis de Balliolo* reſpondebatur hoc modo; *Quod dictum regnum* Scotiæ *non poteſt nec debet eidem* Roberto de Brus *quovis modo de jure adjudicari*; *proeo, quod ubi prædictus* Robertus *in petitione ſua petit regnum* Scotiæ *cum pertinenciis ſuis, ut rectior & proximior hæres ipſius regni, eo quod* Willielmus *Rex* Scotiæ *Antecеſſor ejus frater* David *Comitis* Huntingdon. *fuit ſeiſitus de prædicto regno* Scotiæ *in Dominico ſuo ut de feodo, & de jure tempore pacis, & tempore Regis* Henrici *primi Domini Regis* Angliæ, *qui nunc eſt*; *& de ipſo* Willielmo *deſcendit jus dicti regni cuidam* Alexandro *ut filio & hæredi qui regnavit & obiit inde ſeiſitus. Et de ipſo* Alexandro *deſcendit Jus ejuſdem regni cuidam* Alexandro *ut filio et hæredi qui ſimiliter regnavit et obiit inde ſeiſitus. Qui quidem* Alexander *habuit duos filios qui obierunt ſine hærede de ſe patre eorum vivente, & unam filiam* Margaretam *nomine Reginam* Norwegiæ, *quæ ſimiliter obiit vivente patre*; *de qua quidem* Margareta *exivit quædam alia* Margareta, *cui Dominus* Alexander *avus ipſius* Margaretæ *fecit homines ſuos de regno ſuo jurare*, quod ipſam tenerent pro Domina dicti regni Scotiæ, *& hoc fecit per ſcriptum affirmari. Quæ quidem* Margareta *obiit ſine hærede de ſe, per quod jus prædicti regni debuiſſet reſortiri cuidam* David *fratri prædicti* Willielmi *Regis, ſi ſtatum regnandi expectaſſet*; *Et idem* David *habuit tres filios qui obierunt ſine hærede de ſe, et quatuor filias* Matildam *quæ obiit ſine hærede de ſe,* Margaretam, Iſabellam & Adam, *de qua* Iſabella *exivit* Robertus de Brus *qui nunc petit, & dicit*, quod ad ipſum debet prædictum regnum *Scotiæ* ſine medio, ut ad proximiorem in gradu de ſanguine Regis *Alexandri* qui ultimo obiit, & ſimiliter dictæ *Margaretæ* in linea collaterali. Et quod præterea quidam *Alexander* pater prædicti Regis *Alexandri* qui ultimo obiit, recognovit coram Baronibus ſuis ipſum *Robertum* pro proximiori hærede ſuo, ſi ipſum decedere contingeret ſine hærede de corpore ſuo; Et quod illud idem dictus *Alexander* Rex qui ultimo obiit recognovit, ſi abſque hærede de corpore ſuo decederet, ſciente *Dervorgulda* matre prædicti Domini *Johannis de Balliolo* & non contradicente; quod idem *Robertus* in petitione ſua prædicta omiſſionem fecit in ea parte ſuæ petitionis, ubi dicit, quod *Jus regni prædicti debuiſſet reſortiri* David *fratri Regis* Willielmi *per mortem prædictæ* Margaretæ *de* Norwegia, *nullam faciendo mentionem de* Margareta, Marjoria, & Iſabella *filiabus prædicti Regis* Willielmi *fratris prædicti* David, *deſicut nullum Jus potuit nec debuit reſortiri ad prædictum* David *fratrem prædicti Regis* Willielmi, *niſi per medium prædictarum filiarum ipſius Regis* Willielmi. *Et quoad hoc quod idem* Robertus *dicit, quod jus prædicti regni debuit ad ipſum reſortiri ſine medio*; *idem* Johannes *dicit prius, quod nullum jus poteſt deſcendere vel reſortiri alicui, niſi per medium rectæ lineæ deſcendentis vel aſcendentis, ſecundum leges & conſuetudines utriuſque regni, per quod dicit*, quod omiſſis aliquo vel aliquibus de recta linea aſcendente vel deſcendente, aliquid jus ad eum non potuit reſortiri. *Et quoad hoc, quod idem* Robertus *dicit*, quod eſt proximior in gradu, in eo, quod dicit, quod prædictus *David* habuit tres filias *Margaretam, Iſabellam*, & *Adam*, de qua *Margareta* exivit *Dervorgulda*, & de ipſa *Johannes*, qui nunc eſt, Et de prædicta *Iſabella Robertus* qui nunc petit; & ſic proximior in gradu; per quod dicit ſe habere melius Jus ad regnum prædictum ſecundum conſuetudinem quorundam regnorum. *Dicit idem* Johannes, *quod quicquid dicat de aliis regnis & regionibus, vel de ipſorum conſuetudinibus*; *in regnis tamen* Angliæ & Scotiæ, *in quibus Reges*

An. 20 E. I. *regnant per successionem in recta linea, & Comites & Barones eodem modo succedant in hæreditatibus suis, Exitus postnatæ, licet in gradu proximorum, non excludit exitum primogenitæ, licet remotiorem in gradu in ipsa recta linea, successione durante. Dicit etiam, quod ex quo prædictus* Robertus *concedit, quod* Margareta *antecessor prædicti* Johannis *fuit primogenita prædicti* David, *& prædicta* Isabella *mater prædicti* Roberti *postnata; & quod prædictum* regnum Scotiæ non est partibile; *per quod dicit, quod jus ipsius regni & ipsum regnum unicæ personæ debeat remanere; videtur ei, quod in hujusmodi successione secundum leges & consuetudines utriusque regni* antenata præferenda est postnatæ; et eadem ratione Exitus antenatæ est præferendus exitui postnatæ, tam ratione primogenituræ, quam impartibilitatis regni prædicti. *Unde per rationes prædictas, durante exitu primogenitæ, nihil juris exitui postnatæ accrescere potest. Et quoad hoc quod prædictus* Robertus *dicit, quod* Alexander *Rex* Scotiæ *filius Regis* Willielmi *tenuit eum pro propinquiore hærede suo, si sine hærede de se contingeret ipsum mori, & pro tali eum coram Baronibus suis recognovit; idem* Johannes *dicit,* Quod quoad petendum regnum prædictum hujusmodi recognitio sibi valere non debet, etiam etsi facta fuisset. *Et quod idem* Robertus *in petitione sua recognoscit, quod prædictus* Alexander *obiit seisitus de regno prædicto in Dominico suo ut de feodo & jure, & quod de prædicto* Alexandro *descendit jus prædicti regni cuidam* Alexandro *ut filio & hæredi, qui similiter obiit inde seisitus; unde per recognitionem suam prædictam satis ostendit, quod ille* Alexander *sine hærede de se non decessit; & quod jus prædicti regni ad filium suum ut ad hæredem per mortem ipsius fuit transmissum. Et sic per recognitionem prædicti* Alexandri (*si quæ facta fuit*) *nihil juris fuit sibi acquisitum. Item quoad hoc, quod prædictus*, Robertus *dicit,* quod quæstio super Jure regnandi habet terminari & judicari per Jus naturale, per quod Reges regnant, & non per leges & consuetudines inter subditos usitatas; *Idem* Johannes *dicit,* Quod per easdem leges et Consuetudines debet Dominus Rex Angliæ superior Dominus regni Scotiæ cognoscere et judicare de dicto regno Scotiæ inter petentes, per quas idem Rex Angliæ de terris et tenementis ad Coronam suam spectantibus, si per antecessores suos infra regnum suum occupatis, cognoscit et judicat, et antecessores sui cognoscere et judicare solebant. Et hoc est per communem Legem et Consuetudinem regni sui, et non per aliquas alias Leges et Consuetudines qualescunque. Et *quoad hoc, quod idem* Robertus *dicit,* Quod Lex & Consuetudo quæ sunt inter tenentes & subjectos superiorem ligare non possunt, & præcipuè Regem suum; *idem* Johannes *dicit, quod prædictus* Robertus *non est in eo casu in quo judicari debet per subjectum,* sed per superiorem, scilicet per Dominum suum Regem Angliæ superiorem Dominum dicti regni Scotiæ, de cujus Progenitoribus a tempore cujus non extat memoria dictum regnum Scotiæ per homagium tenebatur, et de ipso teneri debet. Et ipsi petentes sint in ipsius Curia Regis et Domini sui, ad recipiendum jus ab eo, sicut subditi de tenementis quæ ab ipso tenentur. *Unde dicit,* quod ex quo sunt subjecti dicto Domino suo Regi Angliæ et Coronæ suæ, quolibet jure requiritur, ut ipsi tanquam subditi et petentes Jus ad regnum, quod de eo tenetur, per Leges et Consuetudines regni sui judicari. *Et dicit,* quod per easdem Leges et Consuetudines primogenita habet prærogativam in succedendo tam in hæreditatibus impartibilibus quam partibilibus. *Item quoad hoc, quod prædictus* Robertus *dicit,* quod Consuetudo succedendi in dicto regno *Scotiæ* plenè facit pro eo in hoc, *quod dicit,* Quod frater Regis cujusdam prædecedentis præfertur illius filio in successione regni ratione proximitatis in gradu; & ad hoc quædam produxit exempla; *Idem* Johannes *dicit, Quod per hoc, quod prædictus* Robertus *intendit ostendere per exempla prædicta, quod frater postnatus regnavit post fratrem antenatum ipsius filium repellendo, & hoc ratione proximitatis in gradu succedendi præfertur proximiori,* quia filius proximior est patri in gradu hujusmodi succedendi, quam frater patris, secundum leges et Consuetudines utriusque regni. *Et quoad exemplum, quod idem* Robertus *dicit,* Quod frater *Malcolmi* quondam Regis *Scotiæ* regnavit immediatè post ipsum *Malcolmum*, ejus filium repellendo; *Idem* Johannes *recognoscit, Quod frater prædicti* Malcolmi *per aliquod tempus modo prædicto regnavit; sed dicit, quod filius dicti* Malcolmi *sic expulsus* * *adivit Dominum suum* Willielmum *Regem* Angliæ et superiorem Dominum regni Scotiæ; conquerendo de injuria per fratrem patris sui sibi factas; *ad cujus querelam idem Dominus Rex* Angliæ *fratrem prædicti* Malcolmi *à*

prædicto

* See here, p. 492.

prædicto regno ejecit, et filium ejusdem Malcolmi Regem ejusdem regni Scotiæ constituit, *qui postmodum toto tempore suo regnavit. Dicit etiam idem* Johannes, *quod post mortem ejusdem Regis filii* Malcolmi, *idem frater* Malcolmi *iterato se in dictum regnum intrusit*, et regnare cæpit; per quod ad querimoniam cujusdam * Edgari secundi filii ejusdem Malcolmi, prædictus Rex Willielmus superior Dominus dicti regni Scotiæ, prædictum Malcolmi sic regnantem injuste de eodem regno Scotiæ iterato ejecit; et prædictum Edgarum Regem ipsius Regni constituit. *Post quem omnes alii Reges* Scotiæ *usque nunc* per rectam lineam successionis secundum Leges et Consuetudines in utroque regno usitatas regnaverunt. *Et quoad exempla de* Yspania *& Comitatu* Sabaudiæ, *dicit, quod illa Exempla prædicto* Roberto *non debent valere; pro eo, quod aliæ sunt & diversæ Leges & Consuetudines in* Yspania *&* Sabaudia *quam in regnis* Angliæ *&* Scotiæ; nec Rex debet inter subditos suos per alias Leges et Consuetudines judicare, quam per Leges et Consuetudines regnorum quibus præest. *Et quoad hoc, quod prædictus* Robertus *dicit*, quod mulier regnare non debet, quia officium regiminis exercere non potest: *Idem* Johannes *dicit*, Quod si mulier regnare non debet, nec jus regnandi ad ipsam descendere seu resortiri, idem Robertus nihil Juris vendicare potest in regno prædicto; eo, quod si aliquod jus de ipso regno ad ipsum resortiri deberet, hoc esse non posset, nisi per medium Isabellæ matris suæ; *unde dicit*, *Quod si nullam jus regnandi ad dictam* Isabellam *matrem suam resortiri potuit; nec ad ipsum* Robertum *nisi per eandem* Isabellam *tanquam ad filium descendere quoque modo. Dicit etiam, quod idem* Robertus *in hujusmodi* dicto suo est sibi ipsi contrarius. *Et quia satis notorium est, quod tam ipse* Robertus *quam omnes alii Comites, Barones, Proceres & Magnates regni* Scotiæ juraverunt fidelitatem Margaretæ filiæ Regis Norwegiæ quæ ultimo obiit Domina et Regina dicti regni Scotiæ, et ipsam pro Regina et Domina tenuerunt; *& sic erat idem* Robertus modo negando verbo, quod prius facto concesserat, quod quidem factum dedicere non potest; *Undè cum sit benè recognitum, quod* Willielmus *Rex* Scotiæ *fuit seisitus de prædicto regno* Scotiæ, *& de prædicto* Willielmo *descendit jus* Alexandro *ut filio & hæredi; & à prædicto* Alexandro *descendit jus cuidam* Alexandro *ut filio & hæredi, qui obiit sine hærede de se; Et de ipso* Alexandro *cuidam* David *ut fratri & hæredi, & de ipso* David *quia obiit sine hærede de se cuidam* Margaretæ *ut sorori & hæredi; & de ipsa* Margareta *cuidam* Margaretæ *ut filiæ & hæredi; & de ipsâ* Margareta *quæ obiit sine hærede de se, resortiebatur jus & debuit resortiri quibusdam* Margaretæ, Marjoriæ, & Isabellæ *ut consanguineis & uni hæredi, si dictum regnum esset partibile*; Et quia non est partibile, *remansit jus & remanere debuit prædictæ* Margaretæ *ut antenatæ; Et de ipsa descendit jus cuidam* Margaretæ *ut filiæ & hæredi; Et de ipsa* Margareta, *quia obiit sine hærede de se, resortiebatur jus & debuit resortiri prædictis* Marjoriæ & Isabellæ *ut antenatis* et uni hæredi, si regnum esset partibile; Et quia non est partibile, remansit Jus et remanere debuit prædictæ Marjoriæ ut antenatæ et hæredi, *Et de ipsa* Isabella *quia obiit sine hærede de se, descendit jus & descendere debuit prædictæ* Isabellæ *ut sorori & hæredi; Et de ipsa* Isabella *quia obiit sine hærede de se, resortiebatur jus & debuit resortire cuidam* David *ut avunculo & hæredi fratri Regis* Scotiæ Willielmi *prædicti, patris prædictæ* Isabellæ; *Et de ipso* David *descendit jus & descendere debuit cuidam* Henrico *ut filio & hæredi; Et de ipso* Henrico *quia obiit sine hærede de se, descendit jus & descendere debuit cuidam* David *ut fratri & hæredi; Et de ipso* David *quia obiit sine hærede de se, cuidam* Johanni *ut fratri & hæredi; Et de ipso* Johanne *quia obiit sine hærede de se, descendit jus & descendere debuit quibusdam* Margaretæ, Isabellæ & Adæ, *ut sororibus & uni hæredi, si regnum esset partibile*; Et quia non est partibile, *remansit jus & remanere debuit prædictæ* Margaretæ *ut antenatæ Sorori ipsius* Johannis *& hæredi; Et de ipsa* Margareta *descendit jus & descendere debuit cuidam* Thomæ *ut filio & hæredi; Et de ipso* Thoma *quia obiit sine hærede de se, descendit jus & descendere debuit quibusdam* Christianæ & Dervorguldæ *ut sororibus & uni hæredi, si regnum esset partibile*; Et quia regnum non est partibile, *remansit jus & remanere debuit prædictæ* Christianæ *antenatæ sorori ipsius* Thomæ, *ut sorori & hæredi; & de ipsa* Christiana, *quia obiit sine hærede de se, descendit jus & descendere debuit prædictæ* Dervorguldæ *ut sorori & hæredi; Et de ipsa* Dervorgulda *descendit jus & descendere debuit cuidam* Hugoni *ut filio & hæredi; Et de ipso* Hugone *quia obiit sine hærede de se, cuidam* Alano *ut fratri & hærede; Et de ipso*

* See here, P. 492.

An. 20 E. 1. Alano *quia obiit sine harede de se, cuidam* Alexandro *ut fratri & haredi; Et de ipso* Alexandro *quia obiit sine harede de se, descendit jus & descendere debuit isti* Johanni *ut fratri & haredi, qui nunc petit regnum* Scotiæ *ut jus suum. Cumque per descensus prædictos liqueat evidenter, quod prædictus* Johannes *sit hæres prædictæ* Margaretæ *primogenitæ prædicti* David *per rectam lineam succedendo descendens; & concessum sit per eundem* Robertum, **quod prædictum regnum est impartibile**, *per quod necessariò requiritur, quod hujusmodi hæreditas impartibilis tantummodo uni sorori & heredi & exitui ipsius debeat remanere secundum leges & consuetudines utriusque regni. Et si uni tantum, semper præferenda est primogenita & ipsius exitus in omni hujusmodi hæreditate impartibili, tam ratione primogenituræ* **quam impartibilitatis hæreditatis regni petiti**; *per quas etiam leges & consuetudines nullus gradus proximitatis sanguinis in secunda linea excludit remotiorem exeuntem de primogenita in prima linea recte descendentem, petit ipse* Johannes *petitionem præfati* Roberti *quoad jus succedendi in prædictum regnum* Scotiæ, *repelli penitus & tassari, & secundum petitionem suam justitiam sibi fieri, ac jus suum prout in petitione sua continetur in omnibus & singulis judicialiter declarari, ac idem regnum* Scotiæ *sibi per vos adjudicari.*

Præmissis coram auditoribus, Prælatis & discussis, relationeque facta dicto Domino Regi Angliæ *de eisdem per auditores memoratos; quæsivit idem Dominus Rex à dictis* Roberto de Brus & Johanne de Balliolo *coram ipso personaliter constitutis, organo vocis sua,* An aliqua alia quam dixerant dicere vellent? *Et ipsi responderunt,* Quod non, nisi forsan quicquam ab eis ad ipsius informationem petere voluisset. *Qua responsione facta, quæsivit idem Dominus Rex palam & publicè ab utriusque regni Nobilibus & Prælatis, totoque Consilio ac auditoribus memoratis, quod eorum consilium sibi dicerent;* Quis istorum duorum *Roberti & Johannis* sit alteri præferendus in jure succedendi in dictum regnum *Scotiæ* secundum præmissa hinc inde proposita & ostensa? *Et,* An remotior in uno gradu in successione exiens de primogenita, debeat secundum leges & consuetudines utriusque regni excludere proximiorem in gradu exeuntem de secundogenita? Vel proximior in gradu exiens de secundogenita, debeat secundum leges & consuetudines ipsorum regnorum excludere remotiorem in uno gradu exeuntem de primogenita? *Ad quæ etiam unanimiter responderunt, nullo reclamante vel contradicente,* **Quod remotior in uno gradu linealiter descendens de primogenita, secundum leges et consuetudines utriusque regni præferendus est proximiori in gradu exeunti de secundogenita in qualibet hæreditaria successione.** *Quocirca præfatus Dominus Rex dicta responsione intellecta, totum negotium prædictum præcepit & fecit exactissimè reexaminari coram utriusque regni Nobilibus & Prælatis. Et eisdem* Roberto de Brus & Johanni de Balliolo *sextum diem mensis* Novembris, *diem* Jovis *videlicet proximum post instans festum* Omnium Sanctorum, *loco eodem præfixit & assignavit ad audiendum judicium suum in negotio memorato. Quibus die & loco, anno & indictione, præfati Nobiles Domini* Robertus de Brus, & Johannes de Balliolo, *una cum aliis petentibus idem regnum coram dicto Domino Rege personaliter comparuerunt;* **habitaque per ipsum Dominum Regem super præmissis inter dictos Nobiles proposita et dicta deliberatione magna, et etiam consideratione ad leges et consuetudines utriusque regni, necnon ad formam et modum petitionis dicti Domini** Roberti, **et ad recognitiones supradictas factas per eundem, rationesque et responsiones hinc inde factas:** *quia apparebat evidenter dictum* Robertum de Brus *jus in sua petitione non habere secundum formam ejusdem & naturam;* **de consilio Prælatorum et Nobilium utriusque regni, Auditorum prædictorum, et aliorum de Consilio suo ibidem præsentium, considerabit idem Dominus Rex judicialiter et pronunciabit; quod prædictus** Robertus **per petitionem suam prædictam nichil capiat de regno** Scotiæ **memorato.** *Et quia super petitione dicti* Johannis de Balliolo *non potuit ad judicium procedere, quousque cæteri petentes audirentur, & de jure eorundem secundum formam petitionum suarum discuteretur; præcepit Dominus Rex tàm dicto Domino* Johanni de Balliolo, *quàm cæteris omnibus & singulis dictum regnum* Scotiæ *petentibus; quod coram auditoribus supradictis in loco quo alias petitiones suas de die in diem prosequerentur, quousque de eisdem plenè discuteretur. Similiter & ipsis auditoribus dedit in mandatis,* quod eundem locum adirent, & dictos petentes in dicendis & ostendendis coram ipsis benignè audirent, & discussione rationum & jurium eorundem plenè facta, eidem Domino Regi, quod invenerint, fideliter referant sicut prius. *Coram quibus auditoribus dicti petentes comparuerunt in Ecclesia*

Fratrum

Fratrum Prædicatorum de Berewico *deserta; & pro petitionibus suis & jure suo roborandis rationes varias & diversas adduxerunt: Inter quos idem* Robertus de Brus *personaliter accedens, protestabatur, se velle jus & actionem petendi dictum regnum* Scotiæ, *vel saltem propartem ejusdem, per aliam formam & modum quam prius intentare; petens se inter alios petentes ad hoc admitti per eosdem. Et ad hoc suo nomine prosequendum,* Galfridum de Caldecote, Egidium de Camsches, & Johannem de Brye *posuit loco suo. Quibus ad hoc admissis, ut quando voluerint prosequantur, supervenit Dominus* Johannes de Hastinges, *& propartem suam petit de prædicto regno* Scotiæ *tanquam de hæreditate partibili; quia dixit, quod jus prædictæ hæreditatis regni* Scotiæ *descendebat* Margaretæ, Isabellæ & Adæ *filiabus* David *Comitis* Huntingdon. *ut uni hæredi: Et de illis descendit & descendere debuit jus* Johanni de Balliolo, Roberto de Brus, *& eidem* Johanni de Haltinges, *hæredibus prædictarum* Margaretæ, Isabellæ & Adæ: *Et sic pro integro jure quod inde habent, in quo omnes sunt pares, prædicta hæreditas est partibilis inter ipsos, per quod propartem suam inde petiit. Et quod prædicta hæreditas sit partibilis nititur ostendere per subscriptas rationes. Tum quia omnes terræ & tenementa, feoda, libertates, dominica & honores, quæ de corona regni* Angliæ *tenentur in capite* **sunt partibilia**: *Tum quia homagium & servicium quæ inde debentur Regi & coronæ* Angliæ, **ostendunt prædictum regnum esse sub lege Communi, et sic partibile.** *Insuper præfatus Dominus* Robertus de Brus *venit, & consimilem fecit petitionem; petens videlicet propartem suam dicti regni & omnium terrarum & libertatum cum omnibus pertinentiis, de quibus terris & libertatibus* Alexander *ultimus Rex* Scotiæ *obiit seisitus,* **(nomine et dignitate regalibus duntaxat exceptis)** *pro eo quod totus exitus ejusdem* Alexandri *est extinctus per mortem* Margaretæ *filiæ Regis* Norwegiæ; *de qua resortiebatur jus prædictarum terrarum & resortiri debuit cuidam* David *Comiti* Huntingdon. *fratri Regis* Willielmi *avi prædicti* Alexandri, *& proavi prædictæ* Margaretæ. *Et de ipso* David *descendit jus & descendere debuit quibusdam filiabus ipsius* David, *videlicet* Margaretæ, Isabellæ & Adæ, *tanquam uni hæredi; & de prædicta* Isabella *descendit jus & descendere debuit ut de propartе sua isti* Roberto *qui nunc petit ut filio & hæredi; quam quidem propartem idem* Robertus *clamat tenere in capite de dicto Domino suo Rege* Angliæ, **superiori Domino regni** Scotiæ **per homagium.** *Et petit idem* Robertus *a Domino suo Rege prædicto,* **ut secundum legem Communem regni** Angliæ **justitia sibi fiat;** *adducens insuper quasdam alias rationes, per quas similiter nitebatur ostendere,* **dictum regnum** Scotiæ **esse partibile.** *Et licet ad prædictas tàm dicti Domini* Johannis de Haltinges, *quàm Domini* Roberti de Brus *rationes & ostensiones fuisset (ut videbatur) ex parte Domini* Johannis de Balliolo *sufficienter responsum, præmissis per auditores memoratos Domino Regi relatis: Idem Dominus Rex volens tamen super hiis* **cum consilio suo et auditoribus præfatis deliberare,** *quæsivit publicè ab utriusque regni Nobilibus & Prælatis, & Auditoribus, & aliis ibidem congregatis,* **An regnum** Scotiæ **sit partibile? Et si idem regnum non sit partibile, An escaetæ et acquisita ejusdem sint partibilia?** *Cui omnes, prahabita super hiis deliberatione aliquali, unanimiter & concorditer responderunt;* **Quod dictum regnum** Scotiæ **non sit partibile, nec ipsius escaetæ seu acquisita infra regnum prædictum, ex quo ad manus Regis devenissent.** *Quibus responsionibus auditis & intellectis, præfixit & assignavit idem Dominus Rex partibus supradictis omnibus jus ad dictum regnum* Scotiæ *vendicantibus pro termino peremptorio diem* Lunæ *prox. post festum Sancti* Martini **in Parliamento suo apud** Berewicum *super* Twedam, **judicia sua super jam dictis suis petitionibus præcise audituris; volens interim super omnibus et singulis hinc inde propositis, dictis, ostensis et allegatis cum utriusque regni peritis, auditoribus memoratis, et aliis de Consilio suo ad plenum deliberare, dictumque processum et jura partium examinare; ut deliberatione prahabita, quid de jure fieri debeat plenius informari.** *Acta apud* Berewicum *super* Twedam *(ut præmittitur) anno, indictione, mense, diebus & locis proximo prænotatis, præsentibus venerabilibus in Christo patribus & Dominis, Dominis* Antonio Dunolm. Willielmo Elien. Johanne Carleolen. Willielmo Sancti Andrææ, Roberto Glascuen. Matthæo Dunkelden. & Marco Sodoren. *Episcopis; ac Nobilibus viris Dominis* Henr. Lincoln. Umfrido Hereford. Johanne de Boghan, Gilberto de Anegos, & Malisio de Strathern. *Comitibus; ac Magistro* Johanne Erturi de Cadomo *publico Apostolica authoritate Notario, cum aliis quampluribus,*

Anno à Nativitate Domini 1292. *Indictione sexta, mense* Novembris *die decimo septimo.*

An. 20 E. I.

An. 20 E. I. *septimo, die* Lunæ *videlicet proxima post festum Sancti* Martini, *congregatis coram excellenti Principe & Domino, Domino* Edwardo *Dei gratia Rege* Angliæ *illustri,* superiori et Domino regni Scotiæ, *in aula Castri de* Berewico *super* Twedam, *Sancti* Andreæ *Diocesi, utriusque regni Nobilibus & Prælatis, ac Auditoribus memoratis, aliis Magnatibus & popularibus in multitudine copiosa, præsente ibidem me Notario infrascripto, cum testibus subscriptis, præconizatisque publicè Nobilibus viris superius nominatis jus ad dictum regnum* Scotiæ *(ut præmittitur) vendicantibus,* Erico *videlicet Rege* Norwegiæ, Florentio *Comite* Holandiæ, Willielmo de Vescy, Patricio *Comite de* Marchia, Willielmo de Ros, Roberto de Pinkny, Nicholao de Soules, & Patricio Galightly, *& non comparentibus, sed se retrahentibus omnino, quia non suas petitiones propositas prosecuti,* consideratum est per eum Dominum Regem, et judicialiter pronunciatum, de consensu utriusque regni Nobilium et Prælatorum, Quod per petitiones suas prædictas nihil consequantur.

(* *Tho. Walsingham* renders us this more full and particular account concerning the King of *Norweys* Proctors answers, delayes, and the Judgement given at last against him. *Requisitum fuit de eisdem Attornatis,* quid volunt addere, minuere vel mutare, & quod in petitione sua danda declararent? *Qui dicunt,* quod nolunt declarare antequam habuerint colloquium cum dicto Domino Rege *Angliæ* superiori Domino regni *Scotiæ,* nec aliquid aliud proponere vel dicere ea vice. *Et hæc requisitio fuit facta, quia alias in petitione sua, quæ coram ipsis fuit ibidem lecta, reservavit sibi beneficium addendi, minuendi & mutandi, prout plenius ex tenore ipsius petitionis apparet, & datus est eis dies usque ad diem* Mercurii *proximo sequentem, ad audiendum voluntatem Domini Regis. Postea die* Mercurii *proximo post festum beati* Martini, *venerunt prædicti Attornati Regis* Norwegiæ *coram Consilio prædicti Domini Regis* Angliæ, et Superiotis Domini Scotiæ, *& dictum fuit eis per consilium dicti Domini Regis,* quod declararent manifeste actionem Domini Regis *Norwegiæ,* per quam intendunt recuperare regnum *Scotiæ,* tanquam jus Domini sui; *qui quidem Attornati responderunt & dixerunt,* quod voluerunt prius habere colloquium cum prædicto Domino suo Rege *Norwegiæ,* & ipsum super exactione & petitione prædictis consulere antequam ulterius prosequerentur. *Et multociens requisiti, quod petitionem Domini sui manifestius declararent, tandem dixerunt præcisè,* quod petitionem Domini sui noluerunt declarare, nec ulterius super hoc aliud dicere, antequam eundem Dominum suum consulti fuerint in præmissis. *Ideo datus est eis dies de die in diem coram prædicto Domino Rege* Angliæ, superiore Domino dicti regni Scotiæ, *ad audiendum judicium suum, de eo quod noluerunt ulterius prosequi petitionem Domini sui prædicti.*)

* Hist. Angl. p. 22. Ypodigma Neustr. p. 76.

The Record proceeds; *Et quia* Johannes Comyn & Rogerus de Mundevile non sunt suas petitiones prosecuti, ideo similiter est per ipsum Dominum Regem judicialiter pronunciatum, quod nihil capiant per easdem. *Quoad petitionem vero Domini* Roberti de Brus *ultimam, per quam petiit tertiam partem regni* Scotiæ, *ut propartem suam, tanquam de hæreditate partibili; quia compertum est, quod idem* Robertus *alias coram Domino Rege in sua petitione, per quam petebat totum regnum* Scotiæ, *recognovit plenè & concessit,* prædictum regnum esse impartibile, *per quod uni tantum hæredi debuit remanere;* quam quidem recognitionem et concessionem dedicere non poterit coram ipso; Et quia per Prælatos, Comites, Barones, Proceres et Magnates, totumque Consilium utriusque regni concordatum est et consideratum, quod prædictum regnum uni hæredi debeat remanere, pro eo quod de sui natura est impartibile, sicut et alia regna: Idcirco per eundem Dominum Regem consideratum est et judicialiter pronunciatum, Quod dictus Dominus Robertus ex his quæ in dicta petitione sua continentur, nihil consequatur omnino. *Et quoad petitionem Domini* Johannis de Hastinges, *qui similiter petiit tertiam partem dicti regni, ut propartem suam de hæreditate partibili; quia plenè compertum est,* (*ut præmittitur*) quod prædictum regnum de sui natura non est partibile, et etiam quod escaetæ et acquisita quæ acciderint infra dictum regnum, et ad manus Regis devenerint sunt impartibilia sicut ipsum regnum, eapropter, juvantibus etiam aliis rationibus quamplurimis in processu super his habito propositis et dictis, consideratum est per dictum Dominum Regem, et judicialiter pronunciatum de consensu utriusque regni Nobilium et Prælatorum; Quod dictus Dominus Johannes de Hastinges nihil capiat per petitionem suam suprædictam. *Quoad petitionem vero Domini*

mini Johannis de Balliolo, *qui petiit totum regnum praedictum ut jus suum. Idem* An. 20 E. I.
Dominus Rex perlecta coram ipso petitione sua, cum juribus & rationibus pro jure suo adductis; recitatisque rationibus & objectionibus contra ipsum & jus suum propositis, & hinc inde ostensis, dictum negotium totum præcepit et fecit per utriusque regni consilium per plures dies cum summa diligentia et habundanti examinari. *Et examinatione plenè facta, quia compertum fuit manifestè*, et per omnes utriusque regni Nobiles, Prælatos, Auditores, et Sapientes consideratum et concordatum, Quod prædictum regnum Scotiæ est impartibile, et uni debeat hæredi remanere: Et hoc idem satis est per petentes prædictos recognitum judicialiter coram ipso Domino Angliæ Rege pro tribunali sedente, ut superiori et directo Domino dicti regni. Et quia idem Dominus Rex habet judicare de jure subditorum (ut præmittitur) per leges et consuetudines regnorum quibus præest, quod ab omnibus utriusque regni Nobilibus et Prælatis est approbatum, concordatum et dictum, et per easdem leges et consuetudines in casu proposito consensum est et judicialiter declaratum, quod remotior in gradu descendente in prima linea, proximiori in secunda linea in successione hæreditatis impartibilis est præferendus. Et etiam quod ordo successionis contentus in petitione dicti Johannis de Balliolo, qui est hæres de prima linea descendente, non est ab aliquo potentium prædictorum in aliqua sui parte dedictus. Idcirco præ omnibus aliis in successione hæreditatis dicti regni Scotiæ est præferendus, tanquam hæres rectior regni memorati. *Supradictis vero rationibus, una cum aliis quampluribus in presenti processu coram dicto Domino Rege suoque Consilio (ut præmittitur) ostensis & proposito diligenter attentis*; considerabit dictus Dominus Rex Angliæ, superior et directus Dominus regni Scotiæ, * Quod prædictus Dominus Johan. de Balliolo recuperet et habeat seisinam prædicti regni Scotiæ, cum omnibus pertinentiis suis infra idem regnum, secundum formam petitionis suæ suprædictæ: Et etiam omnia quæ ad manus præfati Domini Regis Angliæ ratione superioritatis et directi dominii sui hujusmodi devenerunt: Ita tamen, quod idem Dominus Johannes dictum regnum Scotiæ et populum ejusdem sibi subditum, sic rite, sic juste gubernet et regat, quod nullus pro defectu justitiæ occasionem habeat de ipso conquerendi; per quod dictus Rex Angliæ, ut superior suus Dominus ejusdem regni, in ipsius defectum ad prosecutionem querelantium directionis manus apponere debeat in eventu: Jure dicti Domini Regis Angliæ, et hæredum suorum Angliæ Regum, cum voluerint inde uti, eidem, semper salvo. *Hiis itaque peractis assignavit idem Dominus Rex eidem* Johanni de Balliolo *diem* Jovis *proximo sequentem coram ipso ubicunque fuerit*, ad faciendam sibi fidelitatem pro regno Scotiæ memorato. *Et etiam diem* Nativitatis *proximo sequentem similiter ubicunque tunc fuerit in regno* Angliæ, *eidem Domino* Johanni de Balliolo *Regi* Scotiæ, ad faciendum sibi homagium pro eodem regno præstitit et assignavit. Et quod interim prosequatur brevia ad habendum seisinam de regno Scotiæ suprædicto, præcepit. *Ad cujus Regis præceptum statim brevia facta fuerunt pro seisina* tam Castrorum quam regni Scotiæ prælibati dicto Domino Johanni de Balliolo Regi Scotiæ liberanda, sub tenore qui sequitur.

* See Henr. de Knyghton de Event. Angl. l. 3. c. 2. p. 2469. Mat. Westm. p. 386. Tho. Walsingham Hist. Angl. p. 22, 23. Ypod. Neustr. p. 76, 77.

* *EDWARDUS* Dei gratia Rex *Angliæ*, Dominus *Hyberniæ*, Dux *Aquitaniæ*, & superior Dominus regni *Scotiæ*, Dilectis & fidelibus suis, *Willielmo* Sancti *Andreæ* & *Roberto Glascuen.* Episcopis; *Johanni Comyn*, *Jacobo* Senescallo *Scotiæ*, & *Briano* filio *Alani*, Custodibus suis dicti regni *Scotiæ* salutem. Cum *Johannes de Balliolo* nuper in Parliamento nostro apud *Berewicum* super *Twedam* venisset coram nobis, & petivisset prædictum regnum *Scotiæ* sibi per nos adjudicari, & seisinam ipsius regni sibi ut proximiori hæredi *Margaritæ* filiæ Regis *Norwegi*, Dominæ *Scotiæ*, & Neptis quondam *Alexandri* ultimi Regis *Scotiæ*, jure successionis liberari. Ac nos auditis & intellectis petitionibus & rationibus tam prædicti *Johannis* de *Balliolo*, quàm aliorum petentium prædictum regnum, & eisdem petitionibus & rationibus diligenter examinatis, invenerimus præfatum *Johannem* de *Balliolo* esse propinquiorem hæredem prædictæ *Margaretæ* quoad dictum regnum *Scotiæ* optinendum, propter quod idem regnum *Scotiæ* & seisinam ejusdem eidem *Johanni*, salvo Jure nostro & hæredum nostrorum, reddidimus: Vobis mandamus, quod seisinam prædicti regni Scotiæ, cum omnibus pertinentiis suis infra idem regnum existentibus, et quæ ad manus nostras tanquam ad superiorem Dominum ipsius regni Scotiæ post mortem præfatæ Margaretæ debuerunt, sine dilatione

* See Rot. Scotiæ, An. 20 & 21 E. I. m. 7. nu. 34. where this Writ is likewise enrolled.

prædicto

An.20 E.1. prædicto Johanni de Balliolo deliberare faciatis, salvo Jure nostro et hæredum nostrorum cum voluerimus inde loqui; salvis etiam nobis reliviis et debitis quibuscunque quæ de exitibus supradicti regni Scotiæ usque ad diem confectionis præsentium debebantur, seu deberi poterunt quoquo modo. Teste meipso apud *Berewyk* super *Twedam* decimo nono die *Novembris*, anno regni nostri vicesimo.

* See Rot. Scotiæ, ibid. Item, **EDWARDUS* Dei gratia Rex *Angliæ*, Dominus *Hyberniæ*, Dux *Aquitaniæ*, & superior Dominus regni Scotiæ, Dilecto & fideli suo *Petro Burdet* Constabular. Castri de *Berewyk* salutem. Cum *Johannes* de *Baliolo* nuper in Parliamento nostro apud *Berewykum* super *Twedam* venisset coram nobis & petivisset prædictum regnum *Scotiæ* sibi per nos adjudicari, & seisinam ipsius regni sibi ut propinquiori hæredi *Margaretæ* filiæ Regis *Norwegiæ* Dominæ *Scotiæ* jure successionis liberari; ac nos auditis & intellectis petitionibus & rationibus tam prædicti *Johannis* de *Balliolo* quam aliorum petentium prædictum regnum; & eisdem petitionibus & rationibus diligenter examinatis, invenerimus præfatum *Johannem* de *Balliolo* esse propinquiorem hæredem prædictæ *Margaretæ*, quoad prædictum regnum *Scotiæ* obtinendum; propter quod idem regnum *Scotiæ* & seisinam ejusdem (salvo Jure nostro et hæredum nostrorum, cum voluerimus inde loqui) prædicto *Johanni* reddidimus; Vobis mandamus, quod seisinam prædicti Castri de *Berewico* cum omnibus pertinentiis suis, una cum omnibus aliis rebus tibi per Chyrographum traditis, secundum quod in prædicti Castri tibi commissi custodia res hujusmodi recepisti, sine dilatione præfato Johanni *de* Balliolo vel Attornatis suis his literis deferentibus deliberari faciatis. Teste meipso apud *Berewicum* super *Twedam* decimo nono die *Novembris*. Anno regni nostri vicesimo.

Item, *sub eadem forma & eisdem verbis, nihil addito vel diminuto, diversis tamen personis, directa fuerunt Brevia ejusdem* Domini *Regis* Angliæ *universis & singulis custodibus Castrorum Dominicorum Regis* Scotiæ *per totum regnum* Scotiæ, *quæ fuerunt in manibus Regis* Angliæ, ut superioris Domini ejusdem regni, in quibus Custodes positi fuerant per eundem. Item, *eodem die in aula Castri de* Berewico, *in præsentia utriusque regni Nobilium & Prælatorum, meique Notarii infrascripti, confractum fuit sigillum ad regimen* Scotiæ *deputatum, quo usi fuerunt ejusdem regni Custodes à tempore obitus* Alexandri *ultimi Regis ejusdem usque diem illum, in quatuor partes, & ipsius frusta Sigilli in quadam bursa de Corio reposita in Thesaurariâ dicti Domini Regis* Angliæ *conservanda*, in signum et evidentiam pleniorem Superioritatis et directi Dominii sui, quod habet in prædicto regno Scotiæ, et quod ipsius hæredes Angliæ Reges perpetuis temporibus habere debent, et declarationem Juris sui hujusmodi posteris evidentius ostendendam. Præsentibus ibidem utriusque regni Nobilibus et Prælatis, *ac Magistro* Johanne Erturi de Cadomo *publico Notario, cum aliis quamplurib*[illegible].

* See Math. Westm. p. 386 Walsingham, Hist. Angl. p. 22. Prodigium Neustriæ, p. 77. *Anno Domini* 1292. *Indictione sexta, mensis* Novembris *die vicesimo, die videlicet Sancti* Edmundi *Regis & Martyris, existente Domino Rege* Angliæ *in Castro de* Norham Dunolm. *Dioc. venit ibidem nobilis Princeps Dominus* Johannes de Balliolo *Illustris Rex* Scotiæ, et eidem Domino suo Domino Regi Angliæ pro eodem regno Scotiæ Fidelitatem fecit, et tactis sacrosanctis et osculatis Dei Evangeliis juravit, sub his verbis. **Ego* Johannes de Balliolo Rex Scotorum, fidus et fidelis ero vobis Domino Edwardo Dei gratia Regi Angliæ Illustri, et Superiori Domino regni Scotiæ, et vobis fidelitatem facio de eodem regno Scotiæ, quod de vobis teneo et clamo tenere; et fidem et fidelitatem vobis portabo de vita et membro, et terreno honore contra omnes homines, et fideliter recognoscam et vobis faciam servitia vobis debita de Regno Scotiæ antedicto; Sic me Deus adjuvet, et hæc sancta Dei Evangelia.

Super qua fidelitate sic facta dictus Dominus Johannes de Balliolo *Rex* Scotiæ *suas patentes literas statim fieri fecit* Domino *Regi* Angliæ *Sigilli sui impressione sigillatas, tenorem qui sequitur continentes.* Omnibus Christi fidelibus præsens scriptum visuris vel audituris, *Johannes* Dei gratia Rex *Scotorum*, salutem. Noverint universitas vestra nos fecisse et juravisse Domino nostro ligeo Domino Edwardo Dei gratia Regi Angliæ Illustri, et superiori Domino Regni Scotiæ apud Norham, die Jovis in festo Sancti Edmundi Regis et Martyris, Anno Incarnationis Dominicæ 1292. et regni ipsius Domini nostri Regis Angliæ Edwardi *vicesimo finiente & vicesimo primo incipiente, in præsentia venerabilium Pa-*

trum

An. 20 E. I.

irum Willielmi *Sancti* Andreæ, & Roberti Glaſcuen. *Epiſcoporum*; Johannis *Comitis* de Boghan, Willielmi *Comitis* de Ros, Patricii *Comitis* de Marchia, Walteri *Comitis* de Meniteth, Jacobi *Seneſcalli* Scotiæ, Alexandri de Ergadia, Alexandri de Balliolo, *Domini* de Cadion, Patricii de Graham, & Willielmi de Sein& Clere, *in hunc modum*; *Iſtud audias Domine mi* Edwarde *Dei gratia Rex* Angliæ, ſuperioꝛ Dominus regni Scotiæ, *Quod ego* Johannes de Balliolo *Rex* Scotorum vobis facio fidelitatem de regno Scotiæ, quod teneo et clameo tenere de vobis; et ero vobis fidus et fidelis; et fidem et fidelitatem vobis poꝛtabo de Vita et Membꝛo, et terreno Honoꝛe contra omnes homines; et fideliter cognoſcam et fideliter factam ſervicia vobis debita de regno Scotiæ antedicto; Sic Deus me adjuvet, et hæc ſancta Evangelia. *In cujus rei teſtimonium, ſigillum quo uſi ſumus hactenus (quia adhuc aliud factum ſub titulo & nomine Regio non habemus) præſentibus eſt appenſum*; Et ſimiliter in teſtimonium fidelitatis prædictæ, Epiſcopi, Comites, Barones, et alii ſupꝛanominati Nobiles pꝛæſens ſcriptum ſigillorum ſuoꝛum munimine roboꝛarunt. *Dat. apud* Norham. *die & anno prædictis.*

Et quia idem Dominus Johannes de Balliolo *Rex* Scotorum fidelitatem ſuam pꝛædictam fecit lingua Gallica; *ideirco eadem verba, per qua fecit, præſenti Inſtrumento annotabo, nihil addito vel diminuto.*

Ceo oies vous mon Seigneur Sire *Edward* Roy *Dengleterre*, Soberaigne Seigneur du Royalme *Deſcoce*, qe jeo *Johan* de *Baillol* Roy *Deſcoce*, vous face feaute du Royalme *Deſcoce*, le quiel jeo tenk e cleim tenir de vous; e qe jeo vous ſerrai foials e loials, e foi e loiaute vous portrai de vie e de membre, e de terrein honeur, contra toutes gentz qui purront vivre et morir; e loiaument conuſtrai, e loiament frai les ſervites qe nous vous deveins du Royalme *Deſcoce* avantdite; en ſi nous eide Dieus e ces Seintes Evangeiles. *Super qua fidelitate ſic facta idem Dominus* Johannes de Balliolo *Rex* Scotiæ *ſuas patentes literas fieri fecit, ut ſupra, ſui ſigilli impreſſione munitas ſub tenore qui ſequitur.* A tous ceaus, qui ceſt eſcrit verront ou erront, *Johan* par la grace de Dieu Roy *Deſcoce*, ſalutz en Dieu. Sache veſtre univerſite moi avoir fait e jures foiaute a mon Seigneur Lige Monſieur *Edward* par meſme la grace Roy *Dengleterre*, a *Norham* la Jovedy en la feſte Seint *Emon* le Roy e Martyr, le an del Incarnation noſtre Seigneur Mil. ducentz nonante ſeconde, e du Regne le dit mon Seigneur le Roy *Edward* finant, e le vintiſme un comenceant, en la preſence des honeurables Pieres *William* e *Robert* de Seint *Andreu* e de *Glaſcu* Eveſques; de *Johan* Counte de *Boghan*, *William* Counte de *Roſſe*, *Patrik* Counte de la *Marche*, *Wantier* Counte de la *Meniteth*, *James* Seneſcall. *Deſcoce*, *Aliſaundre* de *Ergayl*, *Aliſaundre* de *Baillol*, Seigneur de *Caures*, *Patrik* de *Grayham*, e de *William* de Seint *Cler*, en les paroles ſoutz eſcrites. Ceo oies vous mon Seigneur *Edward* Roy *Dengleterre*, Soverein Seigneur du Roialme *Deſcoce*, que jeo *Johan* de *Baillol* Roy *Deſcoce* vous face foialte du Royalme *Deſcoce*, le quiel jeo tenk e cleim tenir de vous; qe jeo vous ſerrai foial e loial; et foi e loialte vous portrai de vie e de membre, e de terrein honeur contre toutes gentz qui purront vivre e morir; e loialment coneuſtrei e loialment vous frai les ſervices a vous dues du Royalme *Deſcoce* avantdite; enſi me eide Dieus e ces ſeintes Evangeiles. En teſmoignance de ceſte choſe jeo mis a ceſt eſcrit mon Seal, le quiel jeo ai uſez jeſqes en cea, pur ce qe jeo navoie encore autre Seal fait deſouz title e nom de Roi. Enſemblement en teſmoignance de la foialte abantdite enſi faite, ces Eveſqes, Comites, e Barones, e autres Nobles deſus només ount mis leur ſeals a ceſt pꝛæſent eſcrit. Doneꝛ a *Norham* le ſeur e le an avantditꝛ.

Quibus, ut præmittitur factis, mandavit dictus Dominus Rex Angliæ, *eundem Dominum* Johannem de Balliolo *Regem* Scotorum, in coꝛpoꝛalem poſſeſſionem regni Scotiæ (ſicut moꝛis eſt) apud Monaſterium de Scona juxta villam Sancti Johannis de Perth, ſuo nomine induci, *per venerabilem Patrem Dominum* Antonium *Dei gratia* Dunolm. *Epiſcopum, & nobilem virum* Johannem de Sancto Johanne, ratione ſuperioꝛitatis et directi dominii ſui regni pꝛælibati, et in ſede ſua Regali juxta ipſius regni conſuetudinem poni cum omni ſolemp nitate debita et etiam conſueta; Ut ipſe Dominus Rex Scotiæ pꝛæmiſſis rite factis, die et loco ſuperius ſibi aſſignatis, coꝛam dicto Domino Rege Angliæ venire valeat ad faciendum ſibi homagium pꝛo regno Scotiæ memoꝛato, et ulterius tractandum, oꝛdinandum et faciendum cum ipſo ſuper quibuſdam ſtatum regni Scotiæ tangentibus, quod juſtum fuerit et conſonum

An. 20 *E.* 1. sonum rationi. *Acta ut suprascribitur annis, indictionibus, mensibus, diebus & locis prænotatis: Præsentibus venerabilibus in Christo patribus, Archiepiscopis & Episcopis, Comitibus, Baronibus, & aliis utriusque regni Nobilibus, Proceribus & Prælatis supranominatis, cum Magistro* Johanne Erturo de Cadomo *publico Apostolica auctoritate* Notario, *meque Notario infrascripto, cum aliis quampluribus Testibus ad præmissa vocatis specialiter & rogatis.*

(I shall only adde out of the Roll of *Scotland* in the *Tower*, that *Duncan* Earl of *Fif* being then within age and in Ward to the King, claiming a right to place the King of *Scotland* in his royal Seat, and to do other Services at his Coronation which he could not personally perform by reason of his infancy; the King thereupon to preserve his right, authorized *John de Saint-John* to perform these Services for him, by this Patent;

Rot. Scotiæ, Anno 20 & 21 E. 1. m. 33. De ponendo Regem Scotiæ in Regiam sedem suam.

REX et Superior Dominus Scotiæ, omnibus ad quos, &c. salutem. Sciatis quod cum *Duncano* fil. & hæredi *Duncani* quondam Comitis de *Fif* infra ætatem & in Custodiâ nostra existentem, quædam certa officia in nova creatione Regis *Scotiæ* de ponendo ipsum in Regiam sedem suam apud *Scone*, secundũ consuetudinem dicti Regni *Scotiæ* incumbant, ut accepimus, facienda; Nos nolentes præfato *Duncano* sic infra ætatem & in custodia nostra existenti, præjudicium in hac parte aliqualiter generari, ratione minoris ætatis ejusdem Heredis; Assignavimus dilectum & fidelem nostrum *Johannem de Sancto Johanne* ad ponend. nomine ipsius Hæredis, dilectum & fidelem nostrum *Johannem de Balliolo* Regem *Scotiæ*, cui Regnum illud judicialiter reddidimus, in Regiam sedem suam apud *Scone*, secundum consuetudinem prædictam, & ad omnia alia facienda, recipienda & complenda, quæ idem *Duncanus* facere, recipere, seu complere posset vel deberet, si ibidem præsens & ætatis legitimæ extitisset. In cujus, &c. Teste Rege apud *Norham*. 21. die *Novembris*. The Record thus proceeds.)

Anno à Nativitate Domini 1293. *incipiente, Indictione sexta, mensis* Decembris, *die vicesimo sexto, die videlicet Sancti* Stephani *Prothomartyris, Anno regni dicti Regis* Angliæ *vicesimo primo*; *Existente ipso Rege* Angliæ *apud* Novum Castrum *super* Tynam Dunolm. Dioc. *comparuit ibidem coram ipso egregius Princeps & Dominus, Dominus* Johannes de Balliolo *Dei gratia Rex* Scotorum, *& in aula Castri Domini Regis* Angliæ, ibidem eidem Domino Regi Angliæ superiori et directo Domino regni *Scotiæ*, Homagium pro eodem regno suo fecit in præsentia mei infrascripti Notarii et testium subscriptorum, lingua tamen Gallica, *per hæc verba vel hiis similia, hunc habentia sententialiter intellectum.* Domine mi Domine Edwarde Rex Angliæ, superior Dominus regni Scotiæ, Ego Johannes Rex Scotiæ devenio vester homo ligeus de toto regno Scotiæ cum pertinentiis, et omni eo quod appendet; quod quidem regnum teneo et debeo de Jure, ac clamo pro me et hæredibus meis Regibus Scotiæ, tenere hæreditarie de vobis et hæredibus vestris Regibus Angliæ; et fidem et fidelitatem portabo vobis et hæredibus vestris Regibus Angliæ de vita et membro, et terreno honore contra omnes homines qui possunt vivere atque mori. Et super Homagio suo prædicto sic facto suas patentes literas fieri fecit sigilli impressione munitas, tenorem qui sequitur continentes. Omnibus præsens scriptum visuris vel audituris, *Johannes* Dei gratia Rex *Scotorum*, salutem in Domino. Noverit universitas vestra me feciſſe Homagium sereniſſimo Principi Domino meo ligeo Domino *Edwardo* eadem gratia Regi *Angliæ*, Superiori Domino regni *Scotiæ*, apud *Novum Castrum* super *Tynam* in *Anglia*, die festivitatis Sancti *Stephani*, in Crastino Nativitatis Domini, Anno Incarnationis ejusdem 1292, & Regni dicti Domini Regis *Edwardi* vicesimo primo; in præsentia venerabilium patrum *Johannis* Archiepiscopi *Dublinen. Antonii Dunolm.* & *Johannis Carleolen.* Episcoporum; *Henrici de Lascy* Comitis *Lincoln. Johannis de Warenna* Comitis de *Surreye*, *Willielmi de Leybourne*, *Briani* filii *Alani*, *Gilberti de Thorneton*, *Rogeri Brabazon*, *Roberti Malet*, & *Roberti de Hertford* Militum; *Johannis de Langeton* Cancellar. *Angliæ*, *Hugonis de Cressingham*, *Johannis Wogan*, Magistri *Johannis Lovel*, & *Walteri de Langeton* de regno *Angliæ*; necnon & in præsentia venerabilium patrum, *Willielmi* & *Roberti* Sancti *Andreæ* & *Glascuen.* Episcoporum; *Johannis* Abbatis de *Ieddeworth*, *Johannis* Comitis de *Boghan*, *Patricii* Comitis de *Marchia*,

chia, Gilberti de Umfraville Comitis de *Anegos, Johannis* Comitis *Atholiæ, Johannis Comyn, Alexandri de Balliolo, Thom. Randolf, Galfridi de Moubray, Patricii de Grayham, Willielmi de Seint Cler, Richardi Siward, Ingerami de Umfreville, Andreæ de Moravia, Thom.* filii *David de Torthorald, Michaelis de Wymes, Richardi Fraser, Andreæ Fraser, Alexandri de Bonkhull,* & *Johannis de Strivelin,* de regno noſtro *Scotiæ,* in verbis ſubſcriptis. *Domine mi, Domine* Edwarde *Rex* Angliæ, ſuperior Dominus regni Scotiæ; Ego Johannes Rex Scotiæ devenio homo veſter ligius de toto regno Scotiæ, cum pertinentiis et omni eo quod appendit; quod quidem regnum teneo et debeo de jure, et clamo pro me et hæredibus meis Regibus Scotiæ, tenere hæreditarie de vobis et hæredibus veſtris Regibus Angliæ; et fidem et fidelitatem portabo vobis et hæredibus veſtris Regibus Angliæ, de vita et membro, et terreno honore contra omnes homines qui poſſunt vivere atque mori. *In cujus rei teſtimonium,* ſigillum meum feci apponi huic ſcripto. Similiter in teſtimonium homagii antedicti, Archiepiſcopi, Epiſcopi, Comites, Barones, Clerici, et alii Nobiles Angliæ ad rogatum meum, una cum Epiſcopis, Abbate, Comitibus, Baronibus, et aliis Nobilibus de Scotia ſupranominatis, eidem ſcripto ſigilla ſua fecerunt apponi. *Dat. apud* Novum Caſtellum *ſuper* Tynam *in* Anglia, *die & anno prædictis. Hujus igitur homagii lingua* Gallica *facti (ut præmittitur) in omnibus & per omnia tenor eſt talis.* Mon Seignor, Sire *Edward* Roy *Dengleterre,* Sovrain Seignor du Roiame *Deſcoce,* Jeo *Johan de Baillol* devieng voitre home lige de tot le Roiame *Deſcoce,* oue les appurtenances e oue quant qe apent, le quiel jeo tienk e doi de droit, e cleim pur moi e mes heirs Rois *Deſcoce* tenir heritablement de vous e de vos heirs Rois *Dengleterre,* e foi e loialte portrai a vous e a vos heirs Rois *Dengleterre* de vie e de membre, e de terrein honeur contre totes gentz qui purront vivre e morir, *Super quo homagio lingua* Gallica *ſic facta, idem Dominus* Johannes de Balliolo *Rex* Scotiæ *ſuas patentes literas ſtatim fieri fecit, ſigilli ſui impreſſione munitas, tenorem qui ſequitur continentes.*

A tous ceaus qui ceſt eſcrit verront ou orront, *Johan de Bailliol* par la grace de Dieu Roi *Deſcoce,* ſaluz en Dieu. Sache veſtre univerſite, moi avoir fait homage al treſnoble Prince mon Seignor lige Monſire *Edward* par meſme la grace Roi *Dengleterre,* Sovrain Seignor du Roiame *Deſcote,* a *Novel Chaſtell* ſur *Tyne* en *Engleterre,* le jour de la feſte Seint *Eſtefne,* lendemain de *Noel,* lan del Incarnation noſtre Seignor Miliſme Ducentiſme Nonantiſme ſeconde, e du regne le dit mon Seignor le Roi *Edward* vintiſme primer, en la preſence des honourables Pieres *Johan* Erceveſqe de *Develin, Antoigne de Duream,* e *Johan de Cardoil* Eveſqes; *Henry de Laſcy* Counte de *Nicole, Johan de Garenne* Counte de *Surreye, Johan de Seint Johan, Robert de Typetoſt, Nicholas de Segrave, William de Leyborn, Brian le fiz Alein, Gilbert de Thorneton, Rogier le Brabazon, Robert Malet,* e *Robert de Hertford,* Chivalers; *Johan de Langeton* Chaunceller *Dengleterre, Hughe de Creſſingham, Johan de Wogan,* Meſtre *Johan Lovel,* e *Wautier de Langeton,* du Roiame *Dengleterre;* e en la preſence des honourables Pieres *William* e *Robert* de Seint *Andreu* e de *Glaſcu* Eveſqes; *Johan* Abbe de *Feddeworth, Johan* Counte de *Boghan, Patrik* Counte de la *Marche, Gilbert de Umfrauville* Counte de *Anegos, Johan* Counte de *Atheles, Johan Comyn, Aliſandre de Bailliol, Thomas Randolf, Giffray de Moubray, Patrik de Graham, William de Seint Cler, Richard Syward, Ingeram de Umfrauville, Andreu de Morref, Thomas Randolf* le fiz *David de Thorerald, Michel de Wymes, Richard Fraſer, Andreu Fraſer, Aliſandre de Bonkhille,* e *Johan de Strivelin,* de noſtre Roiame *Deſcoce,* en les paroles deſoutz eſcrites. Mon Seignor Monſ. *Edward* Roi *Dengleterre,* Sovrain Seignor du Roiame *Deſcoce,* Jeo *Johan de Bailliol* Roi *Deſcoce* devieng voſtre home lige de tot le Roiame *Deſcoce,* oue les appurtenantes e a quant qe apent; le quiel jeo tienk, e doi de droit e cleim pur moi e mes heirs Rois *Deſcoce* tenir heritablement de vous e de vos heirs Rois *Dengelterre;* e foi e loialte portrai a vous e a vos heirs Rois *Dengleterre,* de vie e de membre, e de terrein honeur contra totes gentz qui purront vivre e morir. En teſmoignance de ceſte choſe jeo ai fait mettre mon Seal a ceſt eſcrit. Enſemblement en teſmoignance del homage avantdit Lerceveſqe, Eveſqes, Countes, Barones, Clers, e autres Nobles *Dengleterre* a ma priere, oue les Eveſqes, Abbe, Countes, Barones, e autres Nobles *Deſcoce* deſus nomees a meſme leſcrit ount fait mettre leur Seals. Donez a *Novel Chaſtell* ſur *Tyne* en *Engleterre,* le jour e lan avantditz. *Acta (ut præmittitur)*

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An. 20 E. 1. *mittitur*) *anno, indictione, mense, die & loco proximo supra scriptis; præsentibus testibus proximo prænotatis, cum aliis quamplurimis, ac Magistro* Johanne Erturi de Cadomo *publico Apostolica authoritate Notario.*

* See Placita Parl. An. 21 E. 1. nu. 20. Rylye, p. 145, 146, &c.

† *Justiciarios.*

* *districtè.*

Anno à Nativitate Domini Millesimo Ducentesimo Nonagesimo tertio incipiente, Indictione sexta, mensis Decembris *die ultimo,* * *gravis querela Magistri* Rogeri Bartholomæi, *Burgensis de* Berewico *super* Twedam, *super quibusdam ipsius Domini Regis* Angliæ *auditoribus nuper per ipsum in dicto regno* Scotiæ *deputatis ad aures ipsius Domini Regis* Angliæ *pervenit: Qui statim* † *Judiciarios suos ibidem præsentes hujusmodi querelæ constituit auditores;* * *districtè eisdem præcipiens & injungens, quod ejus querentem audirent, sibique facerent secundum leges et consuetudines regni sui justitiæ celeris complementum. Coram quibus mandatum Regium hujusmodi exequi volentibus, & aliis de Consilio dicti Domini Regis* Angliæ, *ex parte serenissimi Principis Domini* Johannis *Dei gratia Regis* Scotiæ, *per venerabilem in Christo patrem Dominum* Willielmum *Sancti* Andrææ *Episcopum; & etiam Nobiles viros Dominos* Johannem *Comitem de* Boghan, Patricium de Graham, Thomam Randolphi, *& quosdam alios Proceres regni* Scotiæ *de consilio dicti eorum Regis, quædam petitio facta fuit talis:* Quod cum Dominus Rex *Angliæ*, et superior Dominus regni *Scotiæ*, nuper permisisset Nobilibus & Prælatis ipsius regni leges & consuetudines regni *Scotiæ* observare; et quod querela et placita super rebus quibuscunque infra idem regnum existentibus mota, extra idem regnum minime traherentur: Supplicarunt eidem Domino Regi *Angliæ* suoque Consilio ibidem præsenti, nomine ipsius Regis *Scotiæ*, Quod sibi placeret dictam promissionem observare, et per suos præcipere firmiter observari. *Quibus nuntiis statim ex parte ipsius Domini Regis* Angliæ *& suo nomine per Nobilem virum Dominum* Rogerum Brabazon *Militem, ipsius Regis Justiciarium respondebatur;* Quod dicta petitio frustratoria videbatur, quoniam satis constabat dicto Domino Regi, et omnibus regni sui Nobilibus et Prælatis de jure constare debuit, quod præfatus Rex Angliæ omnem promissionem ejus factam in omnibus observaverat, nec in aliquo venerat contra eam vel aliquam earundem; quanquam ad petitionem unanimem Communitatis dicti regni Scotiæ de Episcoporum, Comitum, Baronum, et aliorum Nobilium regni Scotiæ assensu, quædam dilationum dispendiosa prolixitas restricta fuisset ad tempus per ipsum Regem Angliæ pro celeriori justitia facienda petentibus idem regnum coram ipso: De querelis vero quæ præfato Domino nostro Regi Angliæ sunt delatæ de suis Auditoribus et Ministris nuper per ipsum ut superiorem et directum Dominum ipsius regni deputatis ibidem, qui tunc temporis suam personam repræsentabant, cujusmodi querelæ cognitio ad ipsum et non ad alium spectare dinoscitur, et cujus cognitionem specialiter sibi reservavit; nullius alius præter eum, ratione superioritatis sui dominii præfati, potest nec debet cognoscere, nec eorum facta (si in aliquo erraverunt) corrigere, nec de illis aliquatenus se intromittere: Eo quod de judiciis ipsius superioris Domini, et eorum qui suam personam repræsentarunt, non pertinet ad subditos interponere manus suas. Protestabatur *insuper idem Dominus* Rogerus, nomine et vice ipsius Domini Regis Angliæ, et pro ipso et jure suo prædicto superioritatis et directi dominii sui, quod habet & habere debet, et hæredes sui Angliæ Reges in prædicto regno Scotiæ: *Et dixit,* quod licet idem Dominus Rex *Angliæ* vacante nuper dicto regno *Scotiæ*, sive Regis præsidio carente,

* See here, p. 395, 396, 397.

super * quibusdam certis articulis promissiones aliquas ad tempus fecisset, easque sicut promiserat observasset; non intendit propter hoc, nec vult (Rege jam in ipso regno creato) deinceps artari per easdem vel ligari, protestatione sua tunc facta subsistente, quum ipse querelas quascunque et alia quævis negotia regnum Scotiæ et ipsius incolas contingentia justis et cautis ad ipsum delata, in supplementum justitiæ admittere velit quandocunque et quotiescunque, et de eisdem conquerentibus facere justitiæ complementum, ratione superioritatis et directi dominii sui præfati. Et super hujusmodi querelis cum acciderint infra regnum suum Angliæ ubicunque sibi placuerit querelantes audire, et superius suum dominium prædictum exercere. Quam quidem Protestationem idem Dominus Rogerus, iterato eodem die sicut prius in camera Domini Regis (ipso Domino Rege præsente) nomine et vice ipsius Domini Regis innovavit et de novo fecit, in præsentia mei infrascripti Notarii et testium subscriptorum. *Insuper ibidem statim Protestatione prædicta per ipsum Dominum* Rogerum (*ut præmittitur*) *emissa,*

idem

idem Dominus Rex Angliæ illustris coram omnibus utriusque regni Nobilibus et Prælatis tunc præsentibus, organo vocis suæ, sermone tamen Gallico palam et publice protestabatur; Quod non obstantibus promissionibus, concessionibus seu ratificationibus ad tempus factis per eundem Nobilibus regni Scotiæ et Prælatis, (*si quæ fuerint*;) quibuscunque suis literis vallatæ fuerint vel Instrumentis, per quæ vero se artatum minime reputabit aut ligatum; Protestationibus suis alias publice super hoc factis suo robore subsistentibus; Intendit et vult querelantes quoslibet, et quæcunque alia negotia dictum regnum Scotiæ et ipsius incolas tangentia ratione superioritatis et directi dominii sui quod habet, et de jure habere debet in eodem regno Scotiæ, sicut et progenitores sui Angliæ Reges suis temporibus habuerunt, (si legitime et justis et causis sibi deferantur) admittere vel audire; et super his eis facere, ubicunque et quandocunque sibi placuerit, justitiæ complementum, et superioritatem et directum suum dominium hujusmodi (quatenus justum fuerit) exercere, et eo uti; ipsumque Regem Scotiæ, si necesse fuerit, et negotii qualitas exegerit, infra regnum suum Angliæ super his ad suam præsentiam convocare. *Acta apud* Novum Castrum *super* Tynam, *in aula Castri, & camera dicti Domini Regis* Angliæ, *ut præmittitur, anno, indictione, mense & die proximo prænotatis: Præsentibus venerabilibus in Christo patribus, Dominis* Johanne *Archiepiscopo* Dublinen. Antonio Dunolm. Willielmo Sancti Andrææ, & Roberto Glascuen. *Episcopis; cum Nobilibus viris* Henrico Lincoln. Johanne Warren. Johanne de Boghan. Patricio de Marchia, & Gilberto de Anegos, *Comitibus*; Johanne de Sancto Johanne, Roberto de Typetoft, Nicholao de Segrave, Patricio de Graham, Willielmo de Seint Cler, Alexandro de Balliolo, Galfrido de Moubray, Thom. Randolfe, Gilberto de Thorneton, Roberto Malet, Hug. de Cressingham, & Johanne Wogan, *cum aliis tàm Ecclesiarum Prælatis, quàm Comitibus & Baronibus utriusque regni in multitudine copiosa, ac Magistro* Johanne Erturi de Cadomo *publico Notario*, testibus ad præmissa vocatis et rogatis. *An.* 20 *E.* 1.

Anno à Nativitate Domini Millesimo Ducentesimo Nonagesimo tertio, Indictione sexta, mensis Januarii *die secundo, existente serenissimo Principe & Domino, Domino* Edwardo *Dei gratia Rege* Angliæ *illustri, apud* Novum Castrum *super* Tynam Dunolm. *Dioc. venit ibidem egregius Princeps & Dominus, Dominus* Johannes de Balliolo *eadem gratia Rex* Scotorum *coram ipso & Consilio suo, aliisque utriusque regni Nobilibus & Prælatis*, Recognitiones quasdam acquietantias etiam & remissiones, sponte purè simpliciter & absolutè fecit organo vocis suæ; ipsasque in scripturam redactas, sui sigilli impressione, una cum sigillis Episcoporum, Comitum, Baronum, & aliorum Nobilium regni sui roboratas, tenorem qui sequitur continentes.

Omnibus præsentes literas visuris vel audituris, Johannes de Balliolo *Dei gratia Rex* Scotorum, *salutem in Domino. Cum Dominus noster Dominus* Edwardus *Rex* Angliæ, superior Dominus regni Scotiæ, ratione superioritatis dominii sui tenuerit prædictum regnum Scotiæ in manu sua, quousque fecisset illis justitiam qui jus petierunt in regnum prædictum; *& aliquas Conventiones, Promissiones & Obligationes fecisset petentibus custodibus & probis hominibus ejusdem regni, tàm de ipsius regni & Castrorum restitutione facienda, quàm de rebus aliis, de quibus fecerat scripta sua certis pœnis appositis, sicut in scriptis continebatur eisdem.* Et postmodum in præsentia sua per judicium Curiæ suæ nobis adjudicaverit dictum regnum et seisinam ejusdem regni et Castrorum, cum omnibus aliis rebus liberavit nobis plene et integre, *sicut per Conventiones, Promissiones & Obligationes quas inde fecerat, tenebatur: Nos pro nobis, omnibus hæredibus nostris, & omnibus illis ad quorum manus prædictum regnum devenire futuris temporibus, quicunque fuerint, quietamus prædictum Dominum nostrum Regem* Angliæ *& hæredes suos imperpetuum de omnibus Conventionibus, Promissionibus & Obligationibus, & pœnis in ipsis Conventionibus, Promissionibus & Obligationibus, nobis seu probis hominibus dicti regni factis, quæ idem regnum in rebus illius regni contingunt. Et si aliquod scriptum, qualecunque sit illud quod tangat præmissa aliquo tempore amodo sit inventum, voluimus & concedimus pro nobis & hæredibus nostris, quod nullius sit roboris aut valoris; Ita quod nec Domino nostro Regi prædicto, nec hæredibus suis Regibus* Angliæ *obesse valeat, nec nobis vel hæredibus nostris Regibus* Scotiæ, *nec etiam illis qui dictum regnum* Scotiæ *tenebunt, (quicunque sunt illi) prodesse, nec locum aliquo tempore tenere. Insuper promittimus pro nobis & omnibus*

An. 20 E. 1. omnibus noſtris hæredibus Regibus Scotiæ, & pro omnibus illis qui regnum Scotiæ tenebunt, quicunque fuerint, univerſa et ſingula ratificare, quæ prædictus Dominus noſter Rex Angliæ fecit de regno prædicto, aut de rebus ipſius regni ratione ſuperioritatis dominii ſui, cum idem regnum in manibus ſuis fuit; et ea ratificamus et firmamus, ac habemus et habebimus firma et ſtabilia imperpetuum pro nobis et omnibus noſtris hæredibus, et pro omnibus illis qui prædictum regnum tenebunt. *Præterea volumus & concedimus pro nobis & hæredibus noſtris, necnon & pro omnibus illis qui poſt nos prædictum regnum* Scotiæ *tenebunt, quod* * *ſcriptum ſeu ſcripta factum vel facta per præfatum Dominum noſtrum Regem* Angliæ *apud* Northampton. *viceſimo octavo die* Auguſti, *anno regni ſui decimo octavo, Cuſtodibus, Epiſcopis, Abbatibus, & toti Clero, Comitibus, Baronibus, & toti Communitati regni* Scotiæ *ſuper quodam contractu matrimoniali faciendo inter filium ejuſdem Domini noſtri Regis* Angliæ, *& filiam Regis* Norwegiæ *Dominam & Reginam* Scotiæ, *cujus hæres nos ſumus, continentia diverſas articulos, conceſſiones, promiſſiones, affirmationes & ratificationes, tangentes ſtatum, leges, jura, libertates, conſuetudines, ſeperationes, diviſiones, & quietantias ſubjectionis præfati regni* Scotiæ, *& inhabitantium idem regnum, quibuſcunque loco & tempore de cætero noſtra cuſtodia vel aliena reperiantur,* caſſa ſint et irrita et nullius firmitatis; nec aliquo tempore robur optineant, ſed deinceps ſint penitus annullata, et pro nullis etiam teneantur. *Et de omnibus illis conceſſionibus, promiſſionibus, affirmationibus, ratificationibus, & de omnibus aliis rebus quocunque nomine cenſeantur, aut ſpecificentur in ſcripto vel ſcriptis ſuperius nominatis, prædictum Dominum noſtrum Regem* Angliæ *& hæredes ſuos, pro nobis & hæredibus noſtris, & pro omnibus illis qui poſt nos prædictum regnum* Scotiæ *tenebunt, penitus quietamus. In cujus rei teſtimonium præſenti ſcripto ſigillum noſtrum, una cum ſigillis venerabilium patrum* Willielmi *Epiſcopi* Sancti Andrææ, *&* Roberti *Epiſcopi* Glaſcuen. Johannis *Comitis de* Boghan, Patricii *Comitis de* Marchia, Gilberti *Comitis de* Anegos, Johannis *Comitis* Atholiæ, Johannis Comyn, Alexandri de Balliolo, Galfridi de Moubray, Patricii de Graham, Willielmi de Seint-Cler, & Thomæ Randolf, *fecimus apponi. Datum apud* Novum Caſtellum *ſuper* Tynam *in* Anglia, *ſecundo die menſis* Januarii, *Anno Incarnationis Dominicæ* 1292. *& regni prædicti Domini noſtri Regis* Edwardi *viceſimi primi; & regni noſtri primo.*

* See here p. 392, to 401.

Tenor vero literæ ſubſcriptæ in *Gallico* impreſſione ſigilli dicti Domini Regis *Scotiæ, una cum ſigillis Epiſcoporum, Comitum, Baronum & Nobilium in eadem nominatorum communitate, talis eſt.*

A tous ceaus qui ceſtes preſentes lettres verront ou erront, *Johan de Baillol* par le grace de Dieu Roy *Deſcoce*, ſaluz en Dieu. Com noſtre Seignor Sire *Edward* Roy *Dengleterre*, ſoverain Seignor du Roialme *Deſcoce*, par le reſon de la ſoverain Seigneurie, eit tenutz levantdit Royalme *Deſcoce* en ſa mein tant quil euſt fait droit a ceaus qui droit demandoient en la Roialme avantdit, e aucuns covenances, promeſſes, et obligations fait as Demandants, e as Gardeins, e as predes homes du Roialme, auſi bien de la reſtitution faire du Roialme e des Chaſteux com des autres choſes, dount il avoit fait ſes Eſcrits, e certeins peines miſes ſi com ſu contenue en meſme ſes Eſcritz, e puis en ſa preſence par jugement de ſa Court nous eit le Roialme adjugez, e la ſeſine du Roialme e des Chaſteux ove toutes autres choſes livrez pleinement e entierement com il eſtoit tenutz, par ces covenances, obligations e promes. Nous pur nous e pur touz nos heirs, e pur touz ceaus en qui meins le Roialme devieigne en tempz avenir, qui quil unqes ſoient, quitoms le dit noſtre Seignor le Roy *Dengleterre* e ſes heires a touz jours perdurablement de toꝛes maneres des covenances, e des promes, e des obligations e peines par la reſon des covenances, promes, e obligacions a nous ou a les bones gentz du Roialme avantdit, en le choſes du Royalme. E ſi nul Eſcrit quiel quil ſoit qe touche ceſtes choſes avantditz ſoit en aucuns tempz deſore en avant trouez, voloms e grauntoms pur nous e pur nos heires, quil ſoit de nule value ne force, iſſint quil ne puiſſe a lui ne a ſes heires Rois *Dengleterre* nurre, ne a nous ne a nos heirs Rois *Deſcoce*, ne a ceaus qui le Roialme *Deſcoce* tendrent qui quil unqes ſoient, valer ne leu tenir a nul tempz. Encore promettoms pur nous e pur touz nos heires Rois *Deſcoce*, e pur touz ceaus qui le Roialme *Deſcoce* tendront, qui quil unqes ſoient, qe nous totes les choſes, quil feſoit du dit Roialme, ou des choſes du dit Roialme, par la reſon de la ſoyrain Seigneurie tant com le Roialme fu en ſa mein, ratifionis e affermonis

e auoms e auroms ferme e eſtable a touż jours pur nous e pur touz nos heirs, e pur touz ceaus, qui le dit Roialme *Deſcoce* apres nous tendront, qe Eſcrit ou Eſcrits fait ou faits par le devantdit noſtre Seignor le Roi *Dengleterre* a *Norhampton* le vinteutiſme jour *D'auguſt* l'an de ſon regne diſeutiſme, as Gardeins, Eveſqes, Abbez, e tote la Clergie, Countes, Barones, e a tote la Communante du Roialme *Deſcoce* de une purparlaunce de un marriage faire entre le fiż le devantdit noſtre Seignor le Roi de *Norwegie* Dame e Roine *Deſcoce*, qui heir nous ſumes, contenantz altres divers articles, conceſſions, promeſſes, affermementz e ratifiements touchantz l'eſtat, leyz, droitz, franchiſes, cuſtumes, ſeveraltes diviſions & quitances de ſubjections del avantdit Roialme *Deſcoce*, e des inhabitanze meſme le Roialme, en quen lu e en quel tempz quil ſont, de ci en avant en noſtre garde, ou en autri trovez, ſoient caſſetz, veins, e nule fermete, ne force, ne eient a nuls temps; mes de tot en tot ſoient deſore en avant anientiz, e pur nules tenutz. E de totes teles conceſſions, promes, affermementz, ratifiementz, e de totes autres choſes par queque nom eles ſoient nomees ou eſpecefietz en leſcrit ou eſcritz avantnomees, le devantdit noſtre Seignor le Roi e ſes heirs, pur nous e pur nos heirs, e pur touts ceaus qui apres nous le Roialme *Deſcoce* tendront, de tot ou tot quitoms par ceſte preſente lettre. En teſmoignance de ceſte choſe a ceſti preſent Eſcrit noſtre ſeal enſemblement, oue les ſeals des honourables Pieres, *William* Eveſqe de Seint *Andreu*, *Robert* Eveſqe de *Glaſcu*, *Johan* Counte de *Boghan*, *Patrick* Counte de la *Marche*, *Gilbert* Counte de *Anegos*, *Johan* Counte de *Atheles*, *Johan Comyn*, *Aliſaundre de Bailliol*, *Giffrey de Moubray*, *Patrick de Graham*, *William de Seint Cler*, e *Thomas Randolfe*, auoms fait mettre. Donee a *Noveau Chaſtell* ſur *Tyne* en *Engleterre*, le ſecounde jour du moys de *Janeuer*, l'an del Incarnation noſtre Seignor Miliſme Ducentiſme Nonantiſme ſeconde; e du regne noſtre Seignor le Roi *Edward* avantdit vintiſme primer; e du noſtre primer. *An.* 20 *E.* I.

Anno à Nativitate Domini 1293. *Indictione ſexta, poſtquam regnum* Scotiæ *prædictum adjudicatum fuit Nobili viro* Domino Johanni de Balliolo, *per conſiderationem Curiæ magnifici Principis & Domini, Domini* Edwardi *Dei gratia Regis* Angliæ *illuſtris*, Superioris Domini Regni Scotiæ, *menſis* Novembris *die decimoſeptimo, anno regni ipſius Regis* Angliæ *viceſimo finiente, & anno à Nativitate Domini* 1292. *& Indictione ſexta (ut ſupraſcribitur in proceſſu:) Idemque* Johannes *in ipſius regni* Scotiæ *& Caſtrorum poſſeſſionem corporalem ex parte ipſius Domini Regis* Angliæ *per venerabilem in Chriſto patrem & Dominum, Dominum* Antonium *Dei gratia* Dunolm. *Epiſcopum, &* Nobilem virum *Dominum* Johannem deSancto Johanne *inductus, & in ſede ſua Regali apud Monaſterium de* Scona; *juxta villam Sancti* Johannis de Perth *poſitus, juxta ipſius regni conſuetudinem fuiſſet cum ſolempnitate debita & conſueta, exiſtentibus ibidem ipſius regni* Scotiæ *Nobilibus & Prælatis, Comitibus, Baronibus, aliiſque Magnatibus & Proceribus in multitudine copioſa; cæteriſque omnibus & ſingulis, quæ ſolempnitas hujuſmodi requirebat, ritè peractis*, factiſque per ipſum Dominum Regem Scotiæ Johannem ſupradictum eidem Domino Regi Angliæ, ut ſuperiori ſuo Domino dicti regni fidelitate et homagio pro regno Scotiæ memorato, *prout ſupra in proceſſu plenius inferuntur; non longi temporis intervallo ſecuto, ad dictum Dominum Regem* Angliæ *ut* ſuperiorem Dominum regni Scotiæ plures et graves delatæ fuerunt quærelæ; *& ſubſequenter per* Macdulphum *filium quondam* * Malcolmi *Comitis de* Fif; *videlicet, quod inter alia dictus Rex* Scotiæ *ſibi in Jure defecerat & Juſtitia exhibenda communi; nec ſibi Juſtitiam facere voluit pluries, & humiliter requiſitus*; propter quod ad dictum Dominum ſuum Dominum Regem Angliæ, ſicut ad ſuperiorem Dominum regni Scotiæ recurrebat; *ſupplicans humiliter & devote*, quod ſuper hujuſmodi defectu ſubvenire dignaretur eiſdem; *& in ipſius Regis* Scotiæ *defectum ipſum in Jure ſuo dignaretur audire, ſibique facere Juſtitiæ complementum. Unde cum ad inſtantem proſecutionem dicti* Macdulphi, *quædam ipſius Domini Regis* Angliæ *literæ ſub certa forma conceptæ, dicto Regi* Scotiæ *pluries directæ fuiſſent; quod ipſis* Macdulpho *& aliis etiam querelantibus in jure ſuo benignam audientiam præſtaret, ſibique communem juſtitiam facere curaret*; nec ipſe mandatis ſuis hujuſmodi parere voluiſſet, ſed ipſius Domini ſui Regis Angliæ literis ſpretis potius et bilipenſis, *prædictum* Macdulphum, ne ulterius Jus ſuum proſequeretur per querelam, fecit carcerali cuſtodiæ mancipari, *& ſuper quibuſdam terris & tenementis de quibus Juſtitiam ſibi fieri petiit, quoddam iniquum reddi fecit judicium contra eum, prout*

* See Placita Parliamentaria, An. 21 E. 1. nu. 22. Rylye, p. 152, 158, 159.

An. 20 E. 1. rjusdem Macdulphi *postmodum à carcere liberati, & dictas injurias sibi factas cum instantia prosequentis, querimenia patefecit : quas etiam Injurias se obtulit secundum quod Curia ipsius Domini Regis considerare voluerit, paratum verificare. Ad cujus* Macdulphi *instantem prosecutionem & supplicationem idem Dominus Rex* Angliæ, superioꝛ Dominus regni Scotiæ, æquitatis rationis ac justitiæ oculos advertens, nolensque eidem Macdulpho in Jure deficere, sicuti nec debebat, dolensque manus directionis apponere, *mandavit Vicecomiti* Northumbriæ, *quod quasdam ipsius Domini Regis literas dicto Regi* Scotiæ *directas personaliter deferret, & sufficienti testimonio secum adhibito, dictum Regem* Scotiæ ad pꝛopꝛium suum Parliamentum apud Westmonasterium statuendum in pꝛoximo videlicet festo Sancti Michaelis perjoꝛnaret, coꝛam ipso Domino Rege Angliæ pꝛæfato Macdulpho responsurus, facturus ulterius et recepturus ibidem quod Juris fuerit et rationis. *Quo die Parliamenti adveniente Anno à nativitate Domini* 1293. *Indictione septima, & anno Regni dicti Regis* Angliæ *vicesimo primo, præfatus Dominus* Johannes *Dei gratia Rex* Scotiæ *coram dicto Domino suo Domino Rege* Angliæ superioꝛi Domino regni Scotiæ *apud* Westmonasterium, *in aula venerabilis patris Domini Archiepiscopi* Eborum Angliæ *Primatis*, ubi idem Rex Angliæ tunc hospitabatur, et Parliamentum suum tenebat, *juxta dictum mandatum Regium sibi (ut præmittitur) ad instantem prosecutionem dicti* Macdulphi *directum*, personaliter comparuit. *Contra quem idem* Macdulphus *querimoniam suam deposuit in hunc modum; videlicet*, Quod cum idem *Macdulphus* coram Episcopo Sancti *Andreæ* & sociis suis custodibus Regni *Scotiæ* per ipsum Dominum Regem *Angliæ* superioꝛem Dominum ejusdem regni deputatis, authoritate & mandato ipsius Regis *Angliæ* eis specialiter facto seisinam de quibusdam terris & tenementis judicialiter recuperasset; prædictus *Johannes* Rex *Scotiæ* de eisdem terris & tenementis injustè disseisivit eundem. Et ne Jus suum ulterius prosequeretur contra illum, fecit eum incarcerari, et contra badium et plegios in carcere detineri; & contra ipsum sic incarceratum super jam dictis terris & tenementis quoddam iniquum et falsum reddi fecit juditium; & cum postmodum à prædicto carcere liberatus fuisset, ipsum Regem *Scotiæ* instanter & pluries requisivit, quod ipsum in Jure suo dignaretur audire, & sibi in sua Curia communem Justitiam exhibere; Quod idem Rex *Scotiæ* sibi facere dedignavit expresse, in contemptum dicti Domini Regis Angliæ superioꝛis Domini sui et mandatoꝛum suoꝛum, decem millia marcarum, et ad dampnum ipsius Macdulphi septingentarum marcarum. Et hoc sicut Curia dicti Domini Regis *Angliæ* considerare voluerit, se paratum optulit verificare. *Et præfatus Rex* Scotiæ *defendit omnem contemptum dicti Domini sui* Domini *Regis* Angliæ, *& dixit*; Quod ad respondendum dicto *Macdulpho* de aliquo diem non habebat ibidem. Et dictus *Macdulphus* è contrario dicebat, *quod diem tunc habebat ad respondendum sibi per adjornamentum sibi factum per breve Domini Regis* Angliæ superioꝛis Domini sui; *quod quidem breve sibi liberatum fuit apud* Strivelin *per Vicecomitem* Northumbriæ, *in crastino Sancti* Petri *ad vincula, quod constat & constare poterit per returnum ipsius Vicecomitis. Et requisitus idem Rex* Scotiæ, si hujusmodi breve Domini sui Domini Regis *Angliæ* sibi per prædictum Vicecomitem *Northumbriæ* liberatum fuisset, ut dicebatur, *respondit que sic*, et quod paratus fuit, et semper esse voluit Ꝛecta et mandata dicti Domini sui Domini Regis Angliæ recipere reverenter, et eidem in omnibus suis mandatis humiliter obedire. *Et quia recognovit, se dictum breve recepisse, dicebatur sibi*, quod illud Breve retornet secundum continentiam dicti brevis. *Qui respondit*, quod brevè illud non habebat ibidem, quia illud Cancellario suo tradidit; *& Cancellarius ibidem præsens recognovit se dictum breve ex traditione Domini sui ut præmittitur recipisse; sed non habuit illud ibidem, verumptamen quamcito ad illud venire poterit, illud Domino suo restituere vellet. Et quia idem Rex Scotiæ recognoverat se dictum breve recepisse*, per quod adjoꝛnatus fuit ad dictum Parliamentum, *& diem ad respondendum eidem* Macdulpho *habebat ibidem, dictum fuit prædicto Regi* Scotiæ, quod sibi respondeat ut tenetur, juxta quod in *Rotulis placitorum coram ipso Domino Rege *Angliæ* habitorum plenius continetur. *Ad hoc dictus Dominus Rex* Scotiæ, *eidem Domino suo Domino Regi* Angliæ *suoque Consilio quamdam ore proprio supplicationem, ipsamque in scriptis redactam manu sua propria eidem Domino suo Regi porrexit & tradidit; cujus tenor est talis.* Sire jeo sui voltre homè ligè du Roialme *Descoce*, e vous pri, qe de ceo qe vous maneꝛa mis a

* Plac. Parl. An. 21 E. 1. nu. 22. Rylye p. 152, to 160.

devant

devant qe touche les gentz de mon Roialme ausi com moi, voilietz mettre en suf- *An.* 20 *E.* I.
france jesqes a taunt que jeo aia eaus parlez,qe jeo ne soi suspris par defaute de con-
seil, de si com les gentz qui ci sont ò moi ne moy voelent ne osent conseilier sanz
autres du Roialme: e quant jeo averoie o eaus conseillietz, jeo vous respondrai a
vestre primer *Parlement* apres la *Pask*, le conseil quil averont donez, e froi devers
vous ceo qe faire deuroi. *Habita super predicta supplicatione cum* Nobilibus *&*
Prælatis regni Angliæ *totoque Concilio suo deliberatione aliquali, ad instantem requisi-*
tionem Nobilium etiam & Prælatorum, præfatus Dominus Rex Angliæ, *eodem tamen*
Macdulpho *consentiente, dicto Regi* Scotiæ *supplicationem suam prædictam* de sua gra-
tia speciali concessit, *assignans & præfigens eidem ad proximum suum Parliamentum*
post Pascha, *in crastino videlicet Sanctæ* Trinitatis, *omnibus in eodem statu quo tunc*
remanentibus coram ipso vel Justiciariis suis ad placita locum suum tenentibus, & eun-
dem diem dicto Macdulpho *ad idem quod tunc esset facturus, assignavit. Et præfato*
Regi Scotiæ *præcepit*, quod ad ipsum diem prædictum bene, quod se recepisse cog-
nobit, habeat paratum ibidem. *Quo die, crastino videlicet Sanctæ* Trinitatis *adve-*
niente, Parliamentum dicti Domini Regis Angliæ *cessavit, sive non tenebatur, pro eo,*
quod idem Dominus *Rex* Angliæ *multipliciter distractus fuerat circa diversarum terra-*
rum guerras contra ipsum de novo exortas; utpote cum Domino Rege Franciæ *in* Vas-
conia, *& etiam cum* Wallensibus *in* Wallia. *Loquela vero inter prædictos Regem*
Scotiæ *&* Macdulphum *ventilata, coram Justitiariis ejusdem Domini Regis* Angliæ *ad*
placita sua tenend. assignatis, & coram quibus eadem Loquela fuerat inchoata, conti-
nuata fuit & prorogata usque ad Parliamentum ipsius Domini Regis Angliæ pro-
ximum tenendum, *quod quidem Parliamentum indictum fuit postmodum apud Sanctum*
Edmundum *in festo Sancti* Martini *in yeme, Anno regni ipsius Regis* Angliæ *vicesimo*
tertio, & Anno à Nativite Domini 1295. *& Indictione nona, omnibus in eodem statu*
quo tunc remanentibus.

Anno à Nativitate Domini 1295. *Indictione nona, & anno regni Regis* Edwardi
prædicti vicesimo tertio, Existente ipso Domino Rege Angliæ *apud Sanctum* Edmundum,
et Parliamentum suum ibidem tenente, *dictoque* Macdulpho *semper ut alias placitum*
suum viriliter prosequente; ex parte serenissimi Principis & Domini, Domini Johannis
de Balliolo *Regis* Scotiæ, *sicut aliàs, religiosus vir Dominus Abbas de* Abirbrothok,
cum quibusdam aliis de regni Scotiæ *Proceribus ad præfatum* Dominum *Regem cum li-*
teris ipsius Regis Scotiæ *venit in Nuncium, & dictum Dominum suum Regem* Scotiæ
super eo, quod nec tunc nec prius juxta quod diem habuerat ad Curiam suam in præte-
ritis Parliamentis accesserat, excusavit; prætendens certas excusationum causas, prop-
ter quas venire personaliter non valebat. Supplicabat dictus Abbas & socii sui Nuntii
Regis Scotiæ *prælibati, qui cum ipso venerunt, dicto Domino Regi* Angliæ *ex parte ipsi-*
us Regis Scotiæ, *quod cum per homines dicti Regis* Angliæ, *eidem Domino suo Regi*
Scotiæ *& hominibus suis plures & graves transgressiones, molestiæ & gravamina allata*
fuissent, & de die in diem tàm per terram quàm per mare inferebantur, quod super hiis
dignaretur congruum remedium adhibere. Quibus Nuntiis ex parte ejusdem Domini
Regis Angliæ *deliberatione prahabita respondebatur*; quod idem Rex *Anglia* certis ex
causis versus partes Boreales intendebat dirigere (dante Domino) gressus suos, &
quod de omnibus, quæ idem Rex *Scotiæ* docere poterit sibi & suis, fore per homi-
nes ipsius Regis *Angliæ* transgressum, tales emendas sibi fieri facere voluisset, quod se
contentum de jure reputare deberet: Diem vero quem ipse Rex Regi *Scotiæ* in ipso
Parliamento ex continuatione; prorogatione, sive præfixione Justitiariorum suorum
locum suum ad placita tenentium coram ipso Domino Rege *Angliæ* contra dictum
Macdulphum habebat, usque primum diem mensis *Martii* proximo sequentis apud
Novum Castrum super *Tynam* prorogavit; & ipsum Regem *Scotiæ* usque illum di-
em expectandum duxit gratiosè; *Dictisque Abbati & aliis ipsius Regis* Scotiæ *in-*
junxit firmiter & præcepit, quod dictum Dominum suum Regem Scotiæ præmuni-
rent, quod tunc veniret personaliter ibidem, cum ipso Rege Angliæ super præ-
missis et aliis statum et tranquillitatem utriusque regni et incolarum ejusdem
tangentibus tractatur. ac prædicto Macdulpho in Jure respondetur. facturus ibidem
ulterius et recepturus, quod Juris fuerit et rationis. *Præmissis vero in hujusmodi*
finibus residentibus, quia ex frequenti & inculcata fidedignorum assertione, ac famæ
divulgantis eloquio ad aures præfati Regis Angliæ *pervenit*; quod dictus Johannes
Rex Scotiæ, cum Ecclesiarum Prælatis, Comitibus, Baronibus, et aliis Nobi-

An. 20 E. I. libus, Proceribus, Villarum et Civitatum communitatibus, et aliis majoribus incolis regni Scotiæ dolosa præcogitantes consilia et quadam præconcepa malitia, et etiam prælocuta, ac proditione præordinata, communicato consilio cum Serenissimo Principe et Domino, Domino Philippo Dei gratia Rege Francorum, ac aliis ejusdem regni Nobilibus, (tunc præfati Regis Angliæ inimicis notoriis) amicitias copularunt, pactiones illicitas, confederationes, conspirationes, et conjurationes in exhæredationem dicti Domini sui Domini Regis Angliæ, et hæredum suorum, ac Regni sui subversionem et populi suo commissi regimini, contra bentagii sui debitum et fidelitatis suæ juramentum, inter se inierunt, sicut per ipsius tam Regis Franciæ quam Scotiæ, unius et ejusdem tenoris literas, sigillorum suorum impressionibus sigillatas, super jam dictis pactionibus, confœderationibus, conspirationibus et conjurationibus confectas, postmodum in Castro Puellarum inventas, quam etiam recognitione propria et voluntaria ipsius Regis Scotiæ Johannis, in mei infrascripti Notarii et testium, *videlicet venerabilis in Christo patris & Domini, Domini* Antonii *Dei gratia* Dunolm. *Episcopi*; *& Nobilium virorum Dominorum* Umfridi de Bohun Hertfordiæ, & Johannis Comyn de Boghan *Comitum*; Hugonis le Dispenser, & Johannis Comyn de Badenagh *Baronum*; *ad hoc vocatorum specialiter & Cimiterio de* Stronkathragh. *facta præsentiâ constare poterit evidenter*; *Quarum literarum super præmissis factarum in omnibus & per omnia tenor est talis*;

* See Henry de Knyghton, de Eventibus Angliæ, l 3. c. 2. col. 2473, 2474.

* *Philippus* Dei gratia *Francorũ* Rex, universis præsentes literas inspecturis, salutem. Inter alia per quæ Regnantium & Regnorum exaltatio procuratur, acquiritur pacis & tranquillæ quietis amœnitas, ac fælici & prospero statui consulitur subditorum, illud videtur attenta consideratione præcipuum, ut inter Reges & regna solidæ charitatis unitas & fidelis amicitiæ fœdera nutriantur; sicque Reges & Principes ad propulsandas injurias & domandas Insolentias perversorum, & reprimendas impugnationes hostiles sibi invicem pro zelo Justitiæ affectum cum causa deposcit exhibeant amabilis caritatis, quod alter alteri libenter assistat in prosperis, & non deficiat in adversis; ut saltem defensionis oportunæ remedio pacem odientium repressis salubriter injuriosis impulsibus, pacis optata dulcedo proveniat. In cujus pulchritudine devoti pacis filii actori eo devotius quo tranquillius famulentur. Sanè inclitus Princeps *Johannes Scotiæ* Rex Illustris, specialis amicus noster, præmissas utilitates & commoda prudenter attendens, venerabiles patres *Willielmum Sancti Andreæ*, & *Matthæum Dunkelden.* Episcopos, ac *Johannem de Soules*, & *Ingeramum de Umfraville* Milites, nuntios & procuratores suos ad hoc specialiter constitutos, prout in quibusdam procuratoriis literis indè confectis ipsius Regis Sigillo munitis; quorum de verbo ad verbum tenores inferius sunt conscripti, plenius continetur, ad nos pro contrahendis confœderationibus et amicitiæ fœderibus profuturis specialiter destinabit. Nos itaque ipsius Regis votis laudabilibus in hac parte grato concurrentes animo, ut hujusmodi confœderationis affinitas, & amicitiæ fructuosæ contractus eo ferventius vigeat, stabiliusque perseveret, quo melioribus firmatus auspiciis nexuque constrictus fuerit fortiori; actum, conventum & concordatum extitit inter nos de voluntate & assensu carissimi Germani & fidelis nostri *Caroli, Valesia & Andegaviæ* Comitis, & procuratores prædictos procuratorio nomine dicti Regis, *quod inter* Edwardum *primogenitum filium Regis ejusdem futurum Regem* Scotiæ, *& qui per conventionem expressam habitam cum procuratoribus antedictis successurus est eidem Regi in regno* Scotiæ, *& aliis terris suis, &* J. *primogenitam filiam germani nostri prædicti, matrimonium contrahatur. Cui Regi nomine dicti filii sui promittimus nos & successores nostros curaturos & effecturos dari in matrimonium cum prædicta filiæ viginti quinque millia librarum* Turonensium *in pecunia numerata*; *Idemque Rex præfata filiæ Mille quingentas libras* Sterlingorum *annui redditus in terris, cum Jurisdictionibus & Justiciis omnimodis ad coronam Regiam non spectantibus in locis infrascriptis, videlicet de* Balliolo; *de* [a] Daumpeter, *de* [b] Halicourt, *& de* [c] Hernoy, *in regno* Franciæ; *necnon de* Lanark, *de* [d] Cadiou, *de* [e] Madisley, *de* [f] Cuningham, *de* [g] Hadington, *& de Castro de* Dunde *in regno* Scotiæ, *cum pertinentiis locorum ipsorum assidebat eidem, ita quod si redditus & proventus locorum ipsorum dictam summam mille librarum* Sterlingorum *annui valoris excidebant, id quod superhabundaret ultra summam eandem, præfato Domino nostro Regi remaneat, & si quid de summa ipsa deesset, idem Dominus noster in aliis redditibus suis in regno* Scotiæ *constitutis supplere integre teneatur; vel easdem mille si nos maluerimus necnon quingentas residuas assignabit sibi percipiendas in*

a Dampitra.
b Holcote.
c Horney.
d Kidion.
e Maldisley.
f Conygham.
g Hadigton,
H de Knyghton.

bursa

burſa in certis locis annuatim ad duos terminos, ipſumque benè aſſecurabit de dotalicio antedicto habendo, & percipiendo ab eo poſt dictum matrimonium contractum, & mortem dicti filii quamdiu vitam duxerit in humanis. Quodque ſi dicti futuri conjuges à dicto Rege fortaſſe vellent diſcedere, dicto dotalitio in vita etiam Regis ejuſdem liberè perfruantur. Et ſi ſucceſſu temporis prædictus Rex ad ſecunda vota tranſire voluerit, noſtrum ſuper hoc conſilium requirere vel communicare debebit. Idem quoque Rex moze juſti Principis, tum ex ferboze Juſtitiæ, tum etiam ex zelo dilectionis internæ quam ad nos et domum noſtram, ſolium, et incolas regni noſtri habere dinoſcitur, moleſte ferens graves injurias, enozmes exceſſus, impugnationes hoſtiles, et aggreſſiones iniquas, quibus Rex Angliæ violato fidelitatis debito quo nobis tenebatur aſtrictus, nos, fideles et ſubditos noſtros, tam per terram quam per mare multiphariе multiſque modis hactenus offendiſſe dinoſcitur, et offendere cotidie ſatagit et conatur; ac pzæterea ut nos et ſucceſſozes noſtros ſibi et ſuis ſtrictius mutui amozis alliget affectibus, ad repzeſſionem ſalubzem injuriarum, impugnationum et aggreſſionum hujuſmodi nobis efficaciter et potenter aſſiſtere gratuita * animoſitate diſponens, dictis conceſſit pzocuratozibus, ipſique pzocuratozes nomine Regis eſuſdem, et pzo eo nobis pzomiſerunt expzeſſe; quod idem Rex Scotiæ in pzæſenti guerra quam contra dictum Angliæ Regem, fautozes confœderatos, tam Regem Alemanniæ quam alios quoſcunque †valitozes ejus habemus, nobis et ſucceſſozibus, ſi ad eos guerra hujuſmodi pzozogetur, totis ſuis et regni ſui viribus tam per terram quam per mare in Anglia publice ac * patenter aſſiſtent, ac pzæſtabunt conſilium et auxilium opozтunum. Et ut pzædicti Regis Angliæ injurioſi conatus eo commodius repzimantur, idemque Rex a perverſis ſuæ hoſtilitatis incurſibus eo citius retrahere cogatur, quo magis fuerit aliis occupatus, dictus Rex Scotiæ ipſi Regi Angliæ guerram ſuis pzopzriis ſumptibus et expenſis toto poſſe ſuo et incolarum etiam regni ſui, quociens toto poſſe fuerit opozтunum, nobis guerram cæptam pzoſequentibus et manutenentibus movere et continuare curabit. *Promiſerunt inſuper pariter procuratores præfati procuratorio nomine memorati Regis* Scotiæ, eundem Regem curaturum et effecturum, quod tam Pzælati (quatenus eis de jure licebit) quam Comites, Barones, et alii Nobiles, necnon univerſitates et communitates Villarum regni Scotiæ, erga nos et ſucceſſozes noſtros in guerra pzædicta pari modo in omnibus (ſicut dictum eſt ſuperius) ſe habebunt, dictoque Regi Angliæ ſimili modo totis ſuis viribus guerram facient, ſicut ſuperius eſt expzeſſum. Quodque tam Pzælati quam Comites, Barones et alii Nobiles, ac univerſitates communitateſque notabiles dicti regni Scotiæ, ſuas nobis ſuper hoc patentes literas ſuis munitas ſigillis, quam citius fieri poterit deſtinabunt. Conbentum fuit ſiquidem inter nos et pzocuratozes pzædictos nomine quo ſupza, quod ſi pzælibatum Angliæ Regem coadunatis viribus ſuis regnum Scotiæ per ſe, vel per alium invadere fozte contigerit, poſt guerram ad requiſitionem noſtram per dictum Scotiæ Regem cæptam, vel poſt affinitatem ſeu confœderationem pzæſentem inter nos initam occaſione ejuſdem, nos dummodo ex parte ipſius Regis Scotiæ ſuper hoc congruo tempoze fuerimus pzæmuniti, ſibi ſubſidium faciemus, ipſum Regem Angliæ per partes alias occupando, ut ſic ab incepta invaſione pzædicta ad alia diſtrahatur, vel ei in Scotiam conbeniens adjutozium ſumptibus noſtris quouſque in Scotiam benerint tranſmittendo. Si bero pzænominatus Angliæ Rex terram Angliæ perſonaliter fozſan exierit, bel terram ipſam notabili peditum vel equitum armatozum hominum (guerra inter nos et ipſum durante) numero bacuarit; pzomiſerunt pzocuratozes pzædicti pzocuratozio nomine ſupzadicto, quod pzæcipue in hoc caſu dictus Scotiæ Rex cum toto poſſe ſuo terram Angliæ quantum latius ſibe pzofundius poterit intrare curabit, faciendo guerram bellumque campeſtre, obſidendo, baſtando, ac Regem Angliæ et terram eſus pzædictam modis omnibus quibus poterit ſuis ut ſupzadicitur ſumptibus impugnando. Actum pzæterea eſt et expzeſſe Conbentum inter nos et Pzocuratozes pzædictos nomine quo ſupza, quod nos de guerra quam pzæfatus Scotiæ Rex et Succeſſozes ejuſdem contra ſæpefatum Angliæ Regem pzo nobis facient, poſtquam guerram ipſam ad requiſitionem noſtram fecerint, bel ſi occaſione initæ affinitatis vel confœderationis idem Scotiæ Rex jam guerram fecerit ſupzadictam, bel Rex Angliæ contra ipſum occaſione aliquozum ex pzæmiſſis, Nos etiam de pzædicta guerra noſtra componere aut pacem inire nequibimus vel treugam, * niſi ipſis in pace ſeu treuga quam de dictis omnibus

An. 20. E. 1.

* amabilitate; H. de Knyghton.

† Gubernatores.

* potenter.

Nota.

Nota.

Nota.

* ſine

An. 20 *E.* 1. bus guerris faciemus inclusis, nec ipsi similiter pacem vel treugam de guerris omnibus supradictis facere poterunt sine nobis. Pro quibus omnibus et singulis supradictis tenendis, adimplendis et inviolabiliter observandis, obligamus dicto Scotorum Regi et successoribus suis, nos, hæredes et successores nostros, et omnia nostra et ipsorum bona mobilia et immobilia, et in *quibuscunque consistentia præsentia et futura. Tractatus autem, conventiones, pactiones, et omnia et singula suprascripta dictus Scotiæ Rex ratificare et approbare tenetur, et suo nomine innobare, et super ratificatione, approbatione et innobatione prædictis, suas nobis patentes literas suo sigillo munitas, quamcitius fieri poterit destinabit.

* ubicunque existentia.

Tenores vero literarum Procuratoriarum praedictarum tales sunt. Excellentissimo Principi Domino suo, & amico si placet, Domino *Philippo* Dei gratia Regi *Francorum* Illustri, *Johannes* eadem gratia *Scotorum* Rex, salutem in Domino. Noverit vestra Regia Celsitudo quod nos facimus, constituimus & ordinamus per præsentes dilectos & fideles nostros venerabiles Patres, *Willielmum Sancti Andreæ*, & *Matthæum Dunkelden.* Episcopos, *Johannem de Soules*, & *Ingeramum de Umfraville* Milites, Attornatos, Procur. & Nuncios nostros specialesad tractandum vobiscum (si placet) super *S*ponsalibus & Matrimonio contrahendo cum serenissima Domicella nepte vestra seu consanguinea, & *Edwardo* filio nostro primogenito & hærede; Dantes eisdem generalem,& liberam ac plenariam potestatem, ac mandatum speciale sponsalia & matrimonium prædicta contrahendi, faciendi & perficiendi, quatenus natura contractus hujusmodi, sponsalia & matrimonium inter absentes contrahi permittit & perfici per procuratores seu nuncios ad hoc specialiter constitutos; & omnia alia & singula faciendi, quæ ad dictos contractus seu conventiones pertinent seu quocunque modo poterunt pertinere; & sine quibus dicti contractus seu conventiones ritè nequiverint expediri. Ratum & firmum habentes & habituri, quicquid dicti Procuratores & Nuntii nostri omnes, vel tres, aut duo ipsorum in præmissis, vel aliquo præmissorum duxerint faciendum. In cujus rei testimonium præsentibus literis *S*igillum nostrum fecimus apponi. Datum apud *Strivelin* tertio Non. *Julii*, Anno Domini 1295. Regni vero nostri tertio.

* See Henr. de Knyghton, de Event. Angl. l. 3. c 2. p. 2473, &c.

Item, * Universis præsentes literas inspecturis, *Johannes* Dei gratia *Scotorum* Rex salutem in Domino. Noverit Universitas vestra, quod nos facimus, constituimus & ordinamus per præsentes, dilectos & fideles nostros venerabiles patres *Willielmum Sancte Andreæ* & *Matthæum* Dunkelden. Episcopos, ac *Johannem de Soules*, & *Ingeramum de Umfraville* Milites, Attornatos, Procuratores, & Nuncios nostros speciales, ad tractandum, ordinandum, faciendum & perficiendum omnia & singula negotia nos, *Edwardum* filium nostrum primogenitum & hæredem, regnum nostrum, & incolas regni nostri qualitercunque tangentia, & ubicunque in regno *Franciæ* cum quibuscunque personis Ecclesiasticis & secularibus cujuscunque conditionis existant aut status; Dantes eisdem omnibus, tribus, aut duobus ex ipsis generalem & liberam, ac plenariam potestatem obligandi nos et filium nostrum prædictum, regnum nostrum et ipsius incolas, ac jurandi in animam nostram, filii nostri, et regni nostri incolarum; necnon omnia & singula faciendi & perficiendi, quæ ad prædictos tractatus & ordinationes & negotia necessaria fuerint vel opportuna; Et alia etiam & singula faciendi & perficiendi quæ nos, filius noster & incolæ regni nostri facere possemus, si præsentes essemus, etiam si mandatum exigant speciale. Ratum & gratum habentes & habituri quicquid per dictos quatuor, tres, vel duos eorum actum, gestum, procuratumve fuerit in præmissis, & quolibet præmissorum. In cujus rei testimonium præsentibus literis sigillum nostrum fecimus apponi. Dat. apud *Strivelin* tertio Non. *Julii*, Anno Domini 1295, Regni vero nostri tertio. In quorum omnium testimonium præsentibus literis nostrum fecimus apponi sigillum. Actum *Parisiis* die vicesima tertia mensis *Octobris*, Anno Domini 1295.

Eapropter, volens idem Dominus Rex Angliæ *adjornamentum suum prædictum eidem Regi* Scotiæ *per præfatos suos nuncios in personas eorundem factum observare, & futuris periculis, quæ ex præmissis confœderationibus & aliis, sibi & regno suo, & ejusdem incolis possent verisimiliter pervenire, quatenus potuit præcavere,& eisdem obviare; pro adjornamenti prædicti observatione, & regni sui assecuratione, versus partes* Novi Castri *super* Tynam *se transtulit festinanter; præmittens quosdam suos nuncios solempnes de* Novo Monasterio, *& de* Wellebeck, Cistercien. *& Præmonstraten. ordinum*

Abbates

Abbates ad Regem Scotiæ *memoratum, ſibique adjornamentum prædictum, & ipſius Domini Regis* Angliæ *adventum ad diem et locum prædictos ex cauſis præmiſſis, nunciavit; & eidem per eoſdem ſpecialiter mandavit, ut quædam Caſtra in utriuſque regni confinio ſcituata, pro aſſecuratione ſua & hominum ſuorum, de dicto Rege* Scotiæ *& ſuis ſub bona cautione faceret liberari, per ſuos ad tempus cuſtodienda, donec de hiis quæ immincbant periculis plenius aſſecuratus fuiſſet; quibus periculis ceſſantibus, dicta Caſtra eidem Regi* Scotiæ, *ſeu illis quos ad illa recipienda, & ſuo nomine cuſtodienda deputare voluerit, ſine difficultate qualibet reſtituere & reſtitui faceret ſine fraude, bona fide promiſit; Super quibus fideliter faciendis, tenendis (ut præmittitur) & adimplendis, dictus Dominus Rex* Angliæ *literas ſuas obligatorias prædictis Abbatibus ſuis nunciis fieri fecit & tradi ſecum deferendas, & eidem Regi* Scotiæ *liberandas, in eventu liberationis Caſtrorum prædictorum eidem Regi* Angliæ, *vel ſuis ſuo nomine ad hoc deputandis in forma ſupradicta. Mandavit inſuper idem Rex* Angliæ *per ipſos ſuos nuntios dicto Regi* Scotiæ *firmiter injungendo in fide qua ſibi tenebatur, quod ad dictum diem, primum videlicet menſis* Martii, *ſibi aliàs (ut præmittitur) præfixum, apud* Novum Caſtrum *ſuper* Tynam, *vel ad alia certa loca in confinio partium illarum* perſonaliter veniret adipſum, *ſuper præmiſſis & aliis ſtatum & tranquillitatem utriuſque regni & utilitatem communem tangentibus* cum ipſo tractaturus, *& aſſecurationem ſibi ſuper quibuſdam dubiis facturus, ac alia per ipſum Regem* Angliæ ſuumque conſilium exprimenda auditurus, et ſuper hiis et ea contingentibus reſponſurus et juſtitiam recepturus, *& dicto* Macdulpho *in jure reſponſurus. Cumque dictus Dominus Rex* Angliæ *apud* Novum Caſtrum, *primo videlicet die menſis* Martii, *Anno à Nativitate Domini* 1296. *Indictione nona, & anno regni ipſius Regis* Angliæ *viceſimo quarto, perſonaliter declinaſſet, dictumque Regem* Scotiæ *ibidem per plures dies expectaſſet,* nec ipſe ſecundum quod in mandatis habuit venire, nec quenquam pro ſe mittere curabit, *ad convincendam ipſius Regis* Scotiæ *malitiam, dictus Rex* Angliæ *ad loca dicto regno* Scotiæ *viciniora ſtatuit ſe velle declinare. Et primo apud* Bambergh, *deinde apud* Werk *in confinio ipſius regni* Scotiæ *ſe transferens, adventum dicti Regis* Scotiæ *in locis prædictis per tempus non modicum expectavit. Ad quæ quidem loca dictus Rex* Scotiæ, (*cui de præmiſſis ſatis innotuit, & ea ſibi veriſimiliter latere non potuit*) venire tamen ad ipſum Dominum ſuum Dominum Regem Angliæ, nec amicabiliter mittere curabit; ſed ſpretis dicti Domini ſui mandatis prædictis et vilipenſis, contumaciter in ſua perſiſtens perfidia, ad apparatus bellicos ſe convertebat, cum Epiſcopis, Prælatiſque aliis, Comitibus, Baronibus, Clericis et Laicis regni ſui Scotiæ, ac etiam exteris aliis conductitiis contra prædictum Dominum ſuum ligeum, Dominum Regem Angliæ, ipſiuſque regnum, et ejuſdem Incolas calcamen elevare præſumpſit. Redditiſque eidem Regi Angliæ per dictum Regem Scotiæ tam pro ſe quam pro aliis quibuſcunque regni ſui incolis Homagio et Fidelitate ſibi pro dicto regno Scotiæ prius factis (*ut præmittitur*) in proceſſu per ſuas literas verba effectum diffidentiæ ſapientia continentes. Quarum literarum in omnibus et per omnia tenor eſt talis.

An. 20 E. I.

* Magnifico Principi Domino *Edwardo* Dei gratia Regi *Angliæ*, *Johannes* eadem gratia *Scotiæ* Rex. Cum vos & alii de regno veſtro vobis non ignorantibus, vel cauſam ignorantiæ non habentibus, per violentam potentiam veſtram nobis & regni noſtri Incolis graves & intolerabiles injurias, contemptus, & gravamina, necnon & dampna enormia contra nos, et regni noſtri libertates, ac contra Deum et juſtitiam notorie et frequenter intuleritis, nos extra regnum noſtrum ad lebem cujuſlibet ſuggeſtionem pro libito voluntatis veſtræ citando, et indebite vexando, Caſtra noſtra, terras et poſſeſſiones noſtras et noſtrorum infra regnum veſtrum, injuſte et ſine noſtris demeritis occupando, bona noſtra ac ſubditorum noſtrorum, tam per terram quam per mare rapiendo, et infra regnum veſtrum receptando; Mercatores et alios regni noſtri incolas occidendo, hominesque noſtros de regno noſtro violenter in regnum veſtrum abducendo, ipſoſque ibidem detinendo et incarcerando; ſuper quibus reformandis nuncios noſtros vobis ſæpe tranſmiſimus; quæ non ſolum remanent adhuc incorrecta, verum etiam de die in diem per vos & veſtros prioribus deteriora cumulantur; vos namque jam cum innumerabili armatorum multitudine exercitu veſtro publicè convocato, ad exhæredandum nos & regni noſtri incolas ad fines regni noſtri hoſtiliter acceſſiſtis, & ultra progrediens in regno noſtro ſtrages & incendia, necnon inſultus & invaſiones violentas tàm per terram quàm

* See Thomas Walſingham Hiſtor. Angliæ p. 31. Ypodigma Neuſtriæ, p. 80, 81, 82. Henr. de Knyghton de Eventibus Angliæ, l. 3. c. 2. col. 2477.

An. 20. E. 1. quàm per mare commisistis inhumanè. Nos dictas injurias, gravamina & dampna, necnon & hostiles impugnationes ulterius sustinere non valentes, nec in fidelitate et homagio vestro per violentam oppressionem vestram extortis manendo, cum nos ad defensionem nostram et regni nostri (cujus defensioni et tuitioni vinculo Juramenti sumus astricti) nos volentes erigere, fidelitatem et homagium vobis facta tam a nobis quam ab aliis quibuscunque regni nostri incolis, fidelibus nostris, ratione terrarum quas in regno vestro de vobis tenebant, ac etiam ratione menagii seu rectionis vestræ, nomine nostro, ac nomine eorundem omnium et singulorum vobis reddidimus per præsentes.

Congregatoque ingenti exercitu, idem Rex Scotiæ *ad hostiles* * *aggressus & incursus procedens, regnum* Angliæ *intravit hostiliter & invasit, villasque quamplures regni* Angliæ *per suos depræda tus est, easque vastavit incendiis, homines interfecit, nautas quosdam* Angliæ *navesque eorum comburi fecit. Et hiis & aliis consimilibus facinoribus pluribus non contentus, Comitatus* Northumbr. Cumbr. & Westmerland. *dicti regni* Angliæ, *hostiliter per suos invasit, stragem innumeram hominum simul & mulierum ipsius* Domini *sui Regis* Angliæ, *Monasteriorum, Ecclesiarum, & villarum incendia faciendo, & patriam undique depopulando, & ad instar* Herodianæ *crudelitatis infantes in cunis, & mulieres in puerperio decubantes immisericordi & atroci savitia trucidando; parvos etiam Clericulos primas literas & Grammaticam addiscentes, ad numerum circiter ducentorum in Scolis apud* Corbrigg. *existentes, obstructis scolarum ipsarum ostiis igne supposito concremarunt; ac divino timore, & humano pudore postpositis, adeo in commotionem se dederunt, quod omnino offendibilia ac execrabilia inhumanè committere minimè verebantur. Cernens itaque Rex* Angliæ *tot dampna, opprobria, injurias & facinora in exhæredationem suam, & populi sui destructionem, sibi & regni sui incolis proditionaliter irrogari,* nec valens ratione Juramenti sui (quo ad conservationem jurium Coronæ regni sui Angliæ est astrictus) tam execranda, detestanda et nefanda facinora ulterius tolerare, nec jura sua relinquere indefensa, cum idem Johannes Rex Scotorum et gens sua sibi subdita, per leges se justificari ac duci minime permittere voluissent, ipso regno, quod a longissimis et antiquissimis retro temporibus (*sicut superius in processu plenius apparet*) sibi et progenitoribus suis Angliæ Regibus extitit feodale, et de ipsis etiam Angliæ Regibus tenebatur, ex præmissis causis commisso, seu (*ut communiter dicitur*) forisfacto; *Bello insuper de Consilio Comitum, Baronum, & aliorum Procerum & Magnatum regni sui* Angliæ *juxta leges & consuetudines regni* Angliæ *contra dictum Regem* Scotiæ *& ipsius gentem indicto, contra ipso potentiæ suæ vires extendit;* sicque contra ipsos tanquam perjuros, notorie proditores, contumaces, rebelles, et publicos hostes suos procedens, præfatum regnum Scotiæ Jure proprietatis ipsius Domini Regis Angliæ ditioni subegit, et etiam subjugabit. *Quo viso, memoratus* * Johannes *Rex* Scotiæ, *una cum Comitibus, Baronibus, & aliis* Nobilibus, *Magnatibus & Proceribus dicti regni* Scotiæ *omnibus & singulis,* cum Ecclesiarum Prælatis, *ad memoriam redientes,* et de suis facinoribus perpetratis (*ut dicebant*) condolentes vehementer, ad dictum Dominum Regem Angliæ venerunt, et se eidem reddiderunt, et ipsius gratiæ et voluntati se submiserunt, *locis tamen & diebus diversis.* Idemque Rex Scotiæ proditiones, et scelera memorata, et confœderationem suprascriptam cum dicto Rege Francorum initam (*ut præmittitur*) contra homagium et fidelitatis suæ debitum, quæ pro dicto regno Scotiæ dicto Regi Angliæ fecerat, palam et publice recognobit, dictamque confœderationem quatenus de facto processit, sponte, pure, simpliciter, et absolute suo, Edwardi filii sui, et incolarum regni sui nomine revocavit: Renunciabit insuper specialiter et exprese omni commodo, quod exinde sibi vel filio suo, aut incolis regni sui poterit pervenire; dictumque regnum suum Scotiæ, et Jus quod habuit in eodem, et ad illud Regiamque suam dignitatem cum honore, et homagiis et fidelitatibus incolarum ejusdem regni, ac omnibus et singulis Regiæ dignitati pertinentibus eidem Domino suo Domino Regi Angliæ, pure, simpliciter et absolute reddidit, vita et membris tantummodo sibi salvis; sicut in Instrumento sibe Processu super hoc, una cum fidelitatibus et homagiis Scotorum Domino Regi Angliæ factis, manu mei Notarii infrascripti confecto, et signo meo solito signato, intuentibus constare poterit evidenter. *Subjugato itaque dicto regno Scotiæ dicti Regis* Angliæ *ditioni,* Ecclesiarum Prælati, Comites et Barones, et alii Nobiles, Magnates, Proceres, Civitatum et Burgorum, Communitates

"See Walsingham, Histor. Angl. p. 31, 32. Ypodigm. p. 80, 81, 82. Henr. de Knyghton, l. 3 c. 4. col. 2472, to 2483. Polydor Virgil, Holinshed, Fabian, Grafton, Speed, Daniel in Ed. 1.

* Walsingham Hist. Angl. p. 31, 32, 33. Ypodig. Neustriæ, p. 81, 82. Henr. de Knyghton, de Eventibus Angl. l. 3. c. 2. p. 2476, &c.

Communitates dicti regni Scotiæ, ad fidem et voluntatem dicti Regis Angliæ venientes, eidem fidelitatem et homagium ut immediato et proprio Domino regni Scotiæ fecerunt, suasque patentes literas super fidelitatibus suis prædictis et homagiis sibi factis fecerunt, sigillis suis pendentibus consignatas; quæ in Thesauraria dicti Regis Angliæ London. residunt in fidem et testimonium præmissorum. Redditisque eidem Regi Angliæ ut hero et immediato Domino ipsius regni Scotiæ, Civitatibus, Burgis, Villis, Castris, et aliis munitionibus et locis omnibus ad Regem Scotiæ qualitercunque pertinentibus; idem Dominus Rex Custodem, Camerar. Cancellar. Escaetores, Vicecomites, et alios Ballivos et Ministros ad regimen dicti regni Scotiæ undique per totum regnum jure suo statuit et præfecit; et Sigillum ad regimen Scotiæ deputandum fieri fecit, et Cancellario suo liberabit. *Acta sunt omnia & singula suprascripta, ut præmittitur, sub Annis, Indictionibus, Mensibus, Diebus, & Locis prænotatis*, præsentibus testibus suprascriptis, cum aliis utriusque regni Nobilibus et Prælatis, ac popularibus in multitudine copiosa. (Of which you shall receive a fuller account, Anno 24 E. 1.) *An.* 20 E. 1.

Et ego Andreas *quondam* Guillielmi de Tang. *Clericus*, Ebor. *Dioc.* Sacrosanctæ sedis Apostolicæ publicus authoritate Notarius, qui præmissis omnibus et singulis una cum suprascriptis testibus interfui, eaque sic fieri vidi et audivi; rogatus super his sicut fiebant, præsens seu publicum Instrumentum triginta quatuor Chartarum penas continens simul satas, inserendo in eodem omnium et singulorum Instrumentorum in ipso processu habitorum de verbo ad verbum tenores, nihil addens vel minuens quod sensum mutet, vel corrumpat intellectum: Illudque in publicam formam redactum et correctum, signo meo consueto tam in futuris penarum quam fine signavi, in fidem et testimonium præmissorum.

This is a true Transcript of one Roll of this memorable Record, the original whereof is yet extant in the Tower of *London*. The Transcripts of the *Scots* respective new Oaths, Homages and Fealties to King *Edward*, mentioned in the cloze of this Record, after their most perfidious renunciation of their former Oathes and Fealties, (particularly expressed in another Roll) and subjugation by King *Edwards* forces, I shall present you with in its proper series, *An.* 24 *E.* 1. in the succeeding Chapter; concluding this with some few other Records of Ecclesiastical affairs and cases, relating to the Church, Prelates and Clergy of *Scotland*.

Anno 20 E. 1. The Bishop of *Cathenes* Chancellor of *Scotland* dying there intestate, the Kings Officers seising into his hands all the Goods and Chattels which he had at the time of his death, according to the custom of *Scotland*; the King out of his special grace, for his good services done to him in his life time, was graciously pleased to command them to be entirely delivered to the Prior of *Goldingham*, and *Adam* of St. *Edmunds* the Bishops brother, to be distributed by them for his soul as they should think meet, by the oversight and order of the Vice-Chancellor of *Scotland*, whom the Bishop of *Durham* (Lieutenant of *Scotland*) had constituted his Attorney for that purpose; and to help them to recover all his Goods and Chattels from all those who should detain them, as these Records assure us.

REX et Superior Dominus regni *Scotiæ*, dilecto & fideli suo *Willielmo de Dunfres* tenenti locum Canc. in *Scotia*, salutem. Volentes intuitu fidelis obsequii quod bonæ memoriæ *A.* nuper *Cathenen.* Episcopus & Cancellarius *Scotiæ* defunctus nobis in vita sua impendit, eidem defuncto gratiam facere specialem, concessimus, quod omnia bona et catalla quæ fuerunt prædicti Episcopi in *Scotia* die qui obiit, et per mortem ejusdem capta sunt, secundum consuetudinem *Scotiæ* in manum nostram, dilectis nobis in Christo Priori de *Goldingham*, & Magistro *Adæ* de Sancto *Edmundo* personæ Ecclesiæ de la *Scalrik*, fratri prædicti Episcopi, integraliter liberentur, pro anima dicti defuncti per manus eorundem distribuenda, prout viderint expedire, per visum et ordinationem vestram, quem Venerabilis pater *A. Dunolmensis* Episcopus (constituted Lieutenant in *Scotland* by the Kings Letters Patents) loco suo coram nobis ad hoc constituit. *Et ideo vobis mandamus, quod brevia sub sigillo* Scotiæ *illis in quorum manibus bona & catalla prædicta existunt* sine dilatione fieri faciatis, ut ipsi omnia bona et catalla prædicta prædictis Priori et *Adæ* liberent ad præmissa facienda sicut prædictum est. Et omnes illos quos dictorum bonorum

Rot. Scot. An. 19 & 20 E. 1. sub tit Scotia de anno 20. m. 10 intus. De bonis quæ fuerunt A. Cathenen Episcopi liberandis Priori de Goldingham & Magistro Adæ de Sancto Edmundo, pro anima prædicti Episcopi distribuend.

bonorum

An. 20 E. I. bonorum detentores inveniri contigerit, ad hoc si necesse fuerit compellatis, & præfato *Adæ* negotia dicti defuncti in partibus illis prosequenti, literas de protectione & conductu pro se & suis in forma Capellæ per unum annum duratur. fieri faciatis. In cujus, &c. Teste Rege apud *Westm.* 8 die *Januarii.*

Rot. Scotiæ An. 19 & 20 E. I. m. 9. De bonis quæ fuerunt prædicti Episcopi liberandis prædictis Priori & Adæ pro anima ipsius Episcopi distribuend.

REX et Superior Dominus regni *Scotiæ*, dilectis sibi *Berichio Gerardi de Florence, Reynero Balberin*, & sociis suis de societate *Pullertin.* & *Lambinorum* in *Anglia* commorantium, salutem. **Quia de gratia nostra speciali**, & pro bono servicio, quod bonæ memoriæ *A. Cathenensis* Episcopus & Cancellarius *Scotiæ* defunctus in vita sua nobis impendit, concessimus ei, **omnia bona et catalla sua per mortem ejusdem in manum nostram capta**; Vobis mandamus, quod propter securitatem quam nobis in *Anglia*, & dilecto & fideli nostro *Briano* filio *Alani* in partibus *Scotiæ* nostro nomine præstitistis, de denariis & cæteris bonis prædicti defuncti in manibus vestris existentibus, non omittatis, **quin denarios et bona illa** sic in manibus vestris existentia dilectis nobis Priori de *Goldingham*, & Magistro *Adæ* de Sancto *Edmundo* fratri præfati Episcopi fine dilatione qualibet liberetis, **pro anima dicti defuncti distribuenda, per visum et testimonium alicujus quem venerabilis pater *A. Dunelmensis* Episcopus loco suo ad hoc deputare voluerit, una cum præfatis Priore et *Adam*, quociens ad hoc vacare voluerit cum eisdem.** Teste Rege apud *Westm.* 14 die *Januarii.*

Eodem modo mandatum est præfato *Berichio* & sociis suis prædictis in *Scotia* commorantibus. Teste ut supra.

Ibid. m. 8. De Inquis. fac. de bonis quæ fuerunt Alani quondam Cathenensis Episcopi subtractis, &c.

REX et Superior Dominus regni *Scotiæ*, dilecto Clerico suo Magistro *Alano de Dunfres* Cancellario *Scotiæ*, salutem. Cum nos nuper intuitu fidelis obsequii quod bonæ memoriæ *Alanus* quondam *Cathenensis* Episcopus defunctus, nobis in officio Cancellariæ ibidem in vita sua impendit, concesserimus **de gratia nostra speciali, quod omnia bona et catalla quæ fuerunt ipsius Episcopi in *Scotia* die quo obiit, et quæ per mortem suam capta fuerunt in manum nostram, secundum consuetudinem dicti regni *Scotiæ***, dilectis nobis in Christo Priori de *Goldingham*, & Magistro *Adæ* de Sancto *Edmundo* personæ Ecclesiæ de *Lascalrik* fratri ipsius Episcopi, **integraliter liberarentur, pro anima dicti defuncti per manus eorundem juxta ordinationem venerabilis patris *Antonii Dunelmensis* Episcopi distribuenda, prout saluti animæ ejusdem defuncti magis viderint expedire.** Ac datum sit nobis intelligi, quod bona & catalla illa per quosdam homines parcium illarum jam alienata sunt & subtracta; Vobis mandamus, quod per literas nostras sigillo regimini regni *Scotiæ* deputato signatas, detis in mandatis Vic. & aliis Ballivis in partibus illis quociens opus fuerit, & ab eis fueritis requisiti, quod diligenter inquirant ad quorum manus bona & catalla illa sic devenerunt, & ea simul cum debitis quæ ei debebantur die quo obiit ad quorumcunque manus devenerint præfatis Priori & *Adæ*, vel eorum certis attornatis sine dilatione habere faciatis, prout de jure fuerit faciendum. Ita quod querela ad nos per prædictos Priorem & *Adam* de cætero non veniat ex hac causa. In cujus, &c. Teste Rege apud *Chatton.* 20 die *Julii.*

Ibid. m. 10. De arreragiis feodi A. nuper Cathenensis Episcopi, liberandis Priori de Goldingham & Magistro Adæ de Sancto Edmundo pro anima ipsius Episcopi distribuendis.

REX et Superior Dominus regni *Scotiæ*, dilecto sibi Magistro *Willielmo de Dunfres* Cancellar. *Scotiæ*, salutem. Quia volumus quod bonæ memoriæ *A.* nuper *Cathenensi* Episcopo & Cancellario *Scotiæ* defuncto, de arreragiis feodi quod in officio illo percepit in vita sua per manus Camerarii *Scotiæ* satisfiat, vobis mandamus, quod sigillo *Scotiæ* breve eisdem Camerariis fieri faciatis, quod ipsi dicta arreragia dilectis nobis Priori de *Goldingham*, & Magistro *Adæ* de Sancto *Edmundo* fratri præfati Episcopi liberent absque mora, **pro anima dicti defuncti per visum et ordinationem alicujus quem venerabilis pater *A. Dunelmensis* Episcopus loco suo ad hoc deputari voluerit distribuenda.** Teste Rege apud *Westm.* 15 die *Jan.*

From which 4. Records I shall observe: 1. That in that age all the Debts, Goods and Chattels of Bishops in *Scotland* dying intestate, *by the Custome of that Realm, were seised into the Kings hands, as belonging to him*; and that this Bishops Debts, Goods and Chattels, *dying intestate*, were by vertue of that custome then seised into the hands of King *Edward*, as *Superior Lord* of *Scotland*, during the

Inter-

Interregnum. 2ly. That the King alone, not the Archbiſhop of St. *Andrews*, Pope, or other Ordinary whatſoever, had the ſole right, power, Juriſdiction to diſpoſe of them, to whom and to what uſes he pleaſed. 3ly. That the Soveraign care, welfare of the Subjects ſouls, as well Biſhops and Clergymens as Laicks, belonged to the Kings of *England* and *Scotland* in that age, after their deaths, as well as during their lives, not to Biſhops; Therefore by conſequence the adminiſtration and diſtribution of their Goods and Chattels for that end, if they dyed Inteſtate. 4ly. That the King, not of right or cuſtome, but out of his eſpecial grace, and for the good ſervice done to him by this Biſhop (as his Chancellor in *Scotland*) in his life time, granted all the Debts, Monies, Goods, Chattels of this Biſhop, belonging to him by the Cuſtome of *Scotland*, to the Prior of *Goldingham*, and *Adam* of St. *Edmunds* the deceaſed Biſhops brother, *to be diſtributed for his ſoul*, by the view and teſtimony of any perſon whom the Biſhop of *Durham* ſhould depute in his place for that purpoſe, to joyn with them in the diſtribution of them; not as a Biſhop or Ordinary, (he having no Epiſcopal Juriſdiction then in *Scotland*, nor yet in *England* out of his Dioceſſe, where the Biſhop had monies in foreign Merchants hands) but as the Kings Lieutenant in *Scotland*, which then he was. 5ly. That the Biſhop appointed *William of Dunfres*, then Chancellor of *Scotland*, as his Deputy for this end; whom the King enjoyned to iſſue out Writs under the Seal of *Scotland* to thoſe who had the Biſhops Goods and Chattels in their hands, immediately to deliver them to the ſaid Prior and *Adam*, and to compell them thereunto, to be diſtributed as aforeſaid for the good of his ſoul. A clear evidence that the King, or ſuch as he appointed, not Biſhops or Ordinaries, had the ſole power of diſtributing Inteſtates Goods to pious uſes, for the (pretended) good of their ſouls. That Biſhops and other Ordinaries in that age, had no legal Juriſdiction to diſpoſe or diſtribute the Goods and Chattels of Inteſtate perſons, but meerly by torcious Uſurpation, in *Scotland*, *England*, or *France*, ſeems moſt apparent to me, by comparing the premiſes with the memorable Articles againſt the Biſhops, Clergy of *France*, and their Officials Innovations, Encroachments, Uſurpations upon the Crown, Dignity, Juriſdiction of the King of *France*, and his Subjects Liberties, to their intollerable grievance, exhibited by the Lord *Peter de Cugneriis*, the Barons and Laity of *France*, in the Parliament held at *Paris* under King *Philip* the 4th. *Anno Domini* 1309. printed in *Engliſh* by * Mr. *John Fox* (in the life of King *Edward* the 1.) out of *Petrus Bertrandus*, *Adverſus Dominum* Petrum de Cugneriis, *ſuper facto Prælatorum Eccleſiæ* Gallicanæ, *Pariſiis* 1495. Articles 63, 64. *Item*, **they will make Inventories of their goods which die Inteſtate, or without making of Will, and will have the poſſeſſion of their goods as well moveable as immoveable in their own hands, to diſtribute to the heirs, or to whom they liſt.** *Item*, **the execution alſo of Teſtaments they take into their own hands, taking Inventories of dead mens goods, and keeping and diſpoſing them to the heirs after their pleaſure; and they have Officials properly deputed for the execution thereof.** And Artic. 23. **In like manner they will determine the matters of Pupills, applying their goods when they die, as they do the goods of them that die Inteſtate, to their own uſe, the cognition whereof belongeth to the King himſelf; becauſe theſe kinds of perſons with their goods are Wards to the King, and under his protection.** Which as it will help to explain the *true end* of making the Statute of 13 *E.* 1. c. 19. againſt * Sir *Edward Cookes* erronious gloſſe thereon; ſo it evidently demonſtrates, that if Biſhops and other Ordinaries ſeiſing, diſtributing, or adminiſtring the goods of Inteſtate perſons, and Pupills under age, (who could make no Wills) were thus publickly Articled againſt in this *French* Parliament, as an unſufferable Innovation, Uſurpation, Grievance in the Realm of *France*, it was likewiſe then reputed no other in our Biſhops, Ordinaries in *England*, and no *legal right antiently conferred on them by the King and Lords in Parliament*, as they erroniouſly * *pretended*. This will further appear by theſe two Records relating to *Scotland*, the one concerning the Executors of the laſt Will and Teſtament of *Alexander* King of *Scots*, to iſſue out Writs for the ſpeedy recovery of the Debts due unto him; the other authorizing and enabling the Biſhop of *Glaſcow* to deviſe and diſpoſe of his moveable Goods by his Teſtament, ſo as it turned not to the prejudice or loſſe of the King himſelf, or the next ſucceeding King in *Scotland*.

An. 20 *E.* 1.

* Acts & Monuments, London 1641. vol. 1. p. 461, &c. in Edw. 1.

* See here p. 333. 2 Inſtit. p. 397.

* See here p. 15.

An. 20 *E.* I.

Rot. Scotiæ An. 19 & 20 E. 1. m. 8. Pro Executoribus Testamenti A. quondam Regis Scotiæ, de debitis ejusdem Regis levandis, &c.

REX **et Superior Dominus regni** *Scotiæ*, venerabilibus in Christo patribus *W.* & *R.* eadem gratia Sancti *Andreæ* & *Glasguen.* Episcopis, & dilectis & fidelibus suis *Johanni Comyn*, *Jacobo* Seneschallo *Scotiæ*, & *Briano* filio *Alani*, Custodibus ejusdem regni, salutem. Zelus affectionis intimæ quam ad præclaræ memoriæ serenissimum Principem Dominum *Alexandrum* quondam Regem *Scotorum* illustrem (sororium nostrum karissimum) ipso vivente gerebamus, **per quod animæ suæ salutem ferventer affectamus**, mentem nostram multipliciter excitat & inducit, **ut quæ animæ suæ conferimus salutifera, devotione fervida et sollicitis affectibus prosequamur.** Hinc est quod multi & diversi debitores in eodem regno *Scotiæ* in diversis debitis præfato Regi die quo obiit tenerentur, qui ejusdem Regis Executoribus ea nondum solverunt, ut accepimus, **per quod Testamenti prædicti execution, in grave dicti Regis animæ periculum hucusque prorogatur:** Vobis mandamus, quod dilecto Clerico nostro Magistro *Alano de Dunfres* Cancellario *Scotiæ* detis in mandatis, quod per brevia dirigenda singulis Vicecomitibus & Ballivis ejusdem regni *Scotiæ*, sigillo regimini regni *Scotiæ* deputato consignanda, mandari faciat in forma Capellæ, quod prædicta debita de bonis & catallis prædictorum debitorum, **secundum legem et consuetudinem regni** *Scotiæ* **leventur, et præfatis executoribus sine dilatione liberentur, prout præfati executores rationabiliter monstrare poterunt**; quod prædicti debitores prædicto Regi in debitis tenentur supradictis. In cujus, &c. Teste Rege apud *Berewyk* super *Twedam* 3 die *Julii*.

Ibid. m. 9. Pro R. Glasg. Episc. quod de bonis suis mobilibus possit condere Testamentum.

REX **et Superior Dominus regni** *Scotiæ*, omnibus ad quos, &c. salutem. Sciatis quod pro bono & laudabili servitio quod venerabilis pater *R. Glascuensis* Episcopus, tam bonæ memoriæ Domino *A.* quondam Regi *Scotiæ*, quam nobis impendit postquam **superius dominium regni illius ad manus nostras devenit, concessimus ei, quod ipse Testamentum suum de bonis suis mobilibus condere possit pro suæ libito voluntatis, et quod executores Testamenti liberam administrationem habere et de eisdem disponere possint juxta formam ejusdem Testamenti, et ipsius Episcopi ultimam voluntatem. Ita tamen quod ista gratia nostra nobis seu Regi futuro regni illius non cedat alias in præjudicium seu jacturam.** In cujus, &c. Teste Rege apud *Westm.* 23 die *Januarii*.

The Bishoprick of *Cathenes* becomming void by the Bishops death, the King by his Prerogative issued this Writ concerning the custody of the Temporalties.

Ibidem. De Episcopatu Cathenensi vacante committendo alicui fideli Regis.

REX **et Superior Dominus regni** *Scotiæ*, venerabilibus in Christo patribus *W.* Sancti *Andreæ*, & *R. Glasguensi* eadem gratia Episcopis, & cæteris Custodibus ejusdem regni, salutem. Mandamus vobis, **quod custodiam Episcopatus** *Cathenensis*, vacantis per mortem bonæ memoriæ *Alani* nuper Episcopi ejusdem loci, cum pertin. **alicui Clerico et fideli nostro partium illarum**, qui sufficiens & idoneus ad custodiam illam fuerit, **prout moris est in illis partibus committatis.** In cujus, &c. Teste Rege apud *Westm.* 15 die *Januarii*.

The Pope having granted the King a Disme from the Clergy of *Scotland*, as Supreme Lord thereof, for the ayd of the Holy Land, he issued this Writ for the safe conduct and protection of those appointed to collect it.

Rot. Scotiæ An. 20 E. 1. m. 11. Pro Collectoribus decimæ in regno Scotiæ, de protectione & conductu.

REX **et Superior Dominus** *Scotiæ*, omnibus Ballivis & fidelibus suis ad quos, &c. salutem. **Cum Summus Pontifex Decimam bonorum Ecclesiasticorum infra prædictum regnum** *Scotiæ* **nobis in subsidium Terræ Sanctæ concesserit graciose, et circa collectionem ejusdem venerabiles patres** *R. Karleolen.* & *A. Cathenensem* **Episcopos deputaverit, sicut in Bulla inde confecta plenius continetur**, per quod necessariò oportebit eosdem Episcopos tàm in propriis personis suis, quàm per alios quos loco eorundem ad hoc duxerint transmittendos, labores, misas & expensas facere in præmissis: Nos prædictos Episcopos & illos quos sic pro illis transmiserint homines, terras, res, redditus, & omnes possessiones suas in protectionem & defensionem nostram specialem suscipientes; Vobis mandamus, **quod ipsos Episcopos et illos sic transmissuros homines, terras, res, redditus, et omnes**

omnes poſſeſſiones ſuas manuteneatis, protegatis & defendatis; Non inferentes eis in perſonis aut rebus injuriam, moleſtiam, dampnum, impedimentum aut gravamen: Et ſi quid eis forisfactum fuerit, id eis ſine dilatione faciatis emendari, & ipſis & eorum quibuſcunque cum per partes veſtras ipſos tranſitum facere contigerit ex hac cauſa, ſalvum & ſecurum conductum amore noſtri præbeatis, **quoties er ipſis vel eorum aliquo ex parte noſtra ſuper hoc fueritis requiſiti.** In cujus, &c. has literas noſtras fieri fecimus patentes quamdiu negotiis prædictis intenderint duraturas. Teſte Rege apud *Berewyk* ſuper *Twedam* in *Scotia* 12 die *Auguſti*. *An.* 20 *E.* 1.

He likewiſe iſſued this Writ to the Biſhops and Prelates of *Scotland*, to receive and aſſiſt the Popes Nuncio and Collectors ſent thither to receive the Accounts, and collect the Arrears of the Diſmes in *Scotland* towards the relief of the Holy Land: And to his Chancellor to pay a ſum of money formerly granted by him to the Popes and Queens Chaplain there.

REX et Superior Dominus *Scotiæ*, venerabilibus in Chriſto patribus *W.* & *R.* eadem gratia Sancti *Andreæ* & *Glaſguenſi* Epiſcopis, & cæteris Epiſcopis & Prælatis ejuſdem regni ad quos, &c. ſalutem. **Cum Dominus Papa dilectum nobis in Chriſto Magiſtrum** *Giffredum de Vezano* **ejuſdem Domini Papæ Clericum et Nuncium deputaverit ad compotum executorum Teſtamenti Magiſtri** *Bayamundi*, **quondam Collectoris Decimæ in ſubſidium Terræ Sanctæ conceſſæ in regno prædicto audiend. et arreragia ejuſdem Decimæ et debita ipſius** *Bayamundi* **levanda et colligenda juxta formam mandati Apoſtolici ſibi ſuper hoc directi:** Vobis mandamus, quod præfato *Giffredo* vel ejus Commiſſario ſeu Commiſſariis in præmiſſis vos exhibeatis favorabiles & benignos, **Conſilium veſtrum et ſubamen** eidem Magiſtro *Giffredo* vel ejus Commiſſario ſeu Commiſſariis ſuper his impendentes quociens ab ipſo vel eorum aliquo inde fueritis requiſiti. Teſte Rege apud *Deviſes* 16 die *Septembris*. Rot. Scotiæ An. 19 & 20 E. 1. m. 10. Quod Epiſcopi & Prælati de regno Scotiæ exhibeant ſe favorabiles Mag. Giffredo de Vezano, &c.

REX et Superior Dominus regni *Scotiæ*, dilecto Clerico ſuo Magiſtro *Williel-mo Dunfres* Cancellario ejuſdem regni, ſalutem. Cum nuper per noſtras patentes literas mandaverimus dilecto & fideli noſtro *Alexandro de Balliolo* Camerario ejuſdem regni, quod Magiſtro *Hugucioni* **Domini Papæ Capellano**, pro gratis & laudabilibus ſerviciis quæ idem *Hugucio Margaretæ* quondam Domicellæ *Norwagiæ*, & Dominæ regni prædicti impendit, & pro laboribus & expenſis per ipſum in ejuſdem *Margaretæ* obſequiis appoſitis, **ducentas libras faceret liberari**; & idem *Alexander* pro eo quod breve noſtrum de ſigillo regimini regni prædicti deputato non habuit, de pecunia illa liberanda nichil inde hucuſque facere curaverit, ut accepimus; Vobis mandamus, quod breve ſub ſigillo prædicto præfato *Alexandro* & ſociis ſuis Camerariis ejuſdem regni fieri faciatis in forma Capellæ de prædicta pecunia præfato *Hugucioni* liberanda, prout aliàs in caſu conſimili fieri conſuevit. Teſte Rege apud *Weſtm.* 9 die *Januarii*. Ibidem. Prorogucionis Domini Papæ Capellano.

What Eccleſiaſtical Juriſdiction the King then exerciſed in the Iſle of *Man*, as ſupreme Lord thereof, in preſenting to Livings there, and commanding the Biſhop of *Sodor* to admit his Clerks, theſe Records inform us.

Alanus de Wygeton habet literas de Præſentatione ad Eccleſiam Sancti *Carber* in *Man*, vacantem & ad donationem Regis ſpectantem ratione terræ de *Man* **in manu Regis exiſtentis.** Et diriguntur literæ Epiſcopo *Sodorenſi*. Teſte Rege apud *Berwik* ſuper *Twed.* 16 die *Junii*. Rot. Scotiæ An. 19 & 20 E. 1. m. 12. De Præſentatione.

Odo Clericus habet literas de Præſentatione ad Eccleſiam Sancti *Santani*, vacantem per mortem *Deſvaldi* nuper Rectoris ejuſdem, & ad donationem Regis ſpectantem ratione terræ de *Man* **in manu Regis exiſtentis.** Et diriguntur literæ *Sodorenſi* Epiſcopo. Teſte ut ſupra.

Roulandus Capellanus habet literas de Præſentatione ad Eccleſiam Sancti *Patricii* de *Dureby*, vacantem & ad donationem Regis ſpectantem ratione terræ de *Man* **in manu Regis exiſtentis.** Et diriguntur literæ Epiſcopo *Sodorenſi*. Teſte ut ſupra.

An. 20 *E.* I. I shall conclude with this Writ, discovering what great esteem and care the King had of the Records in *Scotland*, which concerned his own and others Rights, Titles to that Realm; how carefully they were perused, laid up and there kept by a Master of the Rolls in the Castle of *Edenburgh*, (as those of *England* then were, and yet are in the Tower of *London*) and what use he made of them.

Rot. Scotiæ An. 19 & 20 E. 1. m. 11. De chartis, scriptis, & aliis instrumentis tangentibus Regem & petentes jus in regno Scotiæ, scrutandis & examinandis, &c.

REX et Superior Dominus *Scotiæ*, venerabili in Christo patri *W.* eadem gratia Episcopo Sancti *Andreæ* in *Scotia*, & dilecto & fideli suo *Radulpho Basset* de *Drayton*, Constabulario Castri sui de *Edenburgh*. & *Willielmo de Dunfres* **Custodi Rotulorum regni** *Scotiæ*, & omnibus Ballivis & fidelibus suis ejusdem regni ad quos, &c. salutem. Sciatis, quod assignavimus dilectos nobis in Christo Abbatem de *Dunfermelyn*, & *Adam* Abbatem Sanctæ Crucis de *Edenburgh*. & dilectum & fidelem nostrum *Johannem de Lithegreynes*, Magistrum *Willielmum de Lincoln*. & *Thomam de Fisheburn*, **ad inquirendum, scrutandum, videndum et examinandum Chartas, Instrumenta, Scripta, Literas Papales, Compositiones, Rotulos et Irrotulata, et omnia alia munimenta jus petentium in regno** *Scotiæ*, **et similiter nos et regnum quoquomodo tangentia in Castro de** *Edenburgh*. **et alibi in eodem regno existentia, et ad ea recipienda, deferenda et deponenda in locum per nos ad hoc assignatum**; & ideo vobis mandamus, quod eisdem Abbatibus, *Johanni*, *Willielmo* & *Thomæ*, vel prædictis *Johanni*, *Willielmo* & *Thomæ* tantum, cum prædictos Abbates ad hoc vacare non contigerit, intendentes sitis & auxiliantes, quociens ex parte nostra super hoc fueritis requisiti. Et vos præfate Episcope claves Thesauriæ, necnon hostiorum, domorum, castri prædicti, archarum, cistarum & scriniorum quorumcunque in quibus prædicta munimenta, literæ, rotuli, & cætera qualiacunque prædicta instrumenta sint recordata, prædictis Abbatibus, *Johanni*, *Willielmo* & *Thomæ* cum eis ad hoc venire contigerit liberetis. In cujus, &c. Teste Rege apud *Berewyk* super *Twed.* in *Scotia* 12 die *Augusti*.

BOOK

An. 21 *E.* 1.

BOOK V. CHAP. IV.

Conteining King Edward *the* 1. *his claim, exercise of* Soveraign Ecclesiastical Jurisdiction *over all Persons, Causes within* England, Ireland, Scotland, *and his other Dominions; his Oppositions, Prohibitions, Edicts against Popes, Bishops, other Clergymens Usurpations, Encroachments thereon; especially Pope* Boniface *the* 8. *his Constitution, prohibiting all Clergymen under pain of Excommunication, to grant or pay any Taxes, Subsidies to any King, and for Kings to demand or receive them without the Popes precedent license; and his Bulls concerning his Soveraign Dominion, Title to the Realm of* Scotland *and other Kingdoms; The Negotiations between King* Edward, *the Popes, Court of* Rome; *with the successions of Popes,* English, Irish *Bishops, and other Church, State affairs; faithfully collected out of our* Records *and* Histories, *from the beginning of the* 21. *to the end of the* 30th *year of his Reign.*

AMongst several Bundles of Writs returned by Sheriffs and others, Anno 21 *Edward* the 1. (rescued by me out of the rubbish in the *White Tower* Chappel) I met with these Writs of Attachment at the Kings and parties suits, for contempts in holding or prosecuting suits in Court Christian of Trespasses, Advowsons, Layfees, Chattels and Debts, not of Testament or Matrimony, belonging to the Kings Courts, against his Prohibitions, Crown and Dignity.

* Bundelæ Brevium, An. 21 E. 1. in Turre London.

*EDwardus *Dei gratia Rex* Angliæ, *Dominus* Hiberniæ, *Dux* Aquitaniæ, *Vicecomitibus* Oxon. *salutem. Monstravit, nobis* Willielmus de Sancto Gerigio, *quod cum Magister* Henricus de Nassington *in Curia nostra apud* Westm. *die Sancti* Hillarii *in quindecim dies proximo præterito attachiatus esset ad respondendum eidem* Willielmo, quare cum placita de Transgressionibus contra pacem nostram factis in regno nostro ad Nos et Coronam et dignitatem nostram specialiter pertineant, idem Henricus, sicut ex gravi querela ipsius Willielmi accepimus, tenuit placitum in Curia Christianitatis de hujusmodi transgressionibus, in læsionem Coronæ et dignitatis nostræ, et contra prohibitionem nostram. Et *de Placito* quare tenuit placitum in eadem Curia Christianitatis de advocatione Capella de Tadham, contra prohibitionem nostram, *ut dicitur*; *Ac idem* Willielmus *ad diem illum in eadem Curia nostra comparuisset, & idem Magister* Henricus *cum fecisset se esson. versus prædictum* Willielmum *de prædictis placitis*; *& habuisset diem per esson. suos coram Justiciariis nostris apud* Westm. *à die Sanctæ* Trinitatis *in quindecim dies proximo futur. versus prædictum* Willielmum *de prædictis placitis*; *idem Magister* Henricus, pendentibus inde inter eos in præfata Curia nostra prædictis placitis, placita illa nichilominus ulterius tenuit in prædicta Curia Christianitatis, quousque Sententia in ipsum Willielmum ea occasione ad sectam ejusdem Magistri Henrici publice promulgata, ipsum excommunicari fecit; et postea Vobe nostrum de ipso Willielmo excommunicato, tanquam claves Ecclesiæ contemnente, capiendo, jam vobis præcepit, ut dicitur, in Coronæ et dignitatis nostro læsionem, Curiæ nostræ prædictæ contemptum manifestum, et ipsius Willielmi dispendium non modicum et gravamen, sicut ex gravi querela ipsius Willielmi accepimus. Et quia tanta contemptum et malitiam, si commissa fuerint, transire nolumus impunita, *vobis præcipimus, quod si prædictus* Willielmus *fecerit vos securos de clamore ejus prosequendo*

An. 21 E. 1. *quendo, tunc ponite per vadium & salvos plegios prædictum Magistrum* Henricum, *quod sit coram Justiciariis nostris apud* Westm. *à die Sanctæ* Trinitatis *in* 15 *dies*, ad respondendum tam nobis quam prædicto Willielmo, de prædictis transgressione et contemptu. *Præcipimus etiam vobis, quod si vobis constare possit, quod prædictus* Willielmus *occasione prædicta & non alia excommunicatus sit*, tunc ab ipso Willielmo capiendo per aliquod Breve nostrum, per prædictum Magistrum Henricum ea occasione impetratum penitus desistatis, et ipsum Willielmum inde pacem habere permittatis. *Et habeatis nomina Plegiorum, & hoc breve. Teste* J. de Metingham *apud* Westm. 12 *die*, &c. *Anno regni nostri* 21.

EDwardus, &c. *Vic.* Sussex, &c. *Si* Robertus Page, &c. *Pone*, &c. *Magistrum* Thomam de Burne & Richardum le Den *de* Kyngeston, &c. *quod sint coram Justic. nostris*, &c. *ostensuri*, quare tenuit placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Patrimonio contra Prohibitionem nostram. *Pone etiam*, &c. Margeriam de Ely, &c. quare secuta est idem placitum, &c. *Teste meipso apud* Westm. 28 *die* Maii. *Anno regni nostri* 21.

EDwardus, &c. *Venerabili in Christo Patri* S. *Episcopo* Sarum, &c. *venire faciatis coram, &c. Magistrum* Michaelem de Wodeford *Clericum vestrum ad respondend.* Petro *filio* Warini, quare secutus fuit placitum, &c. de catallis et debitis quæ non sunt, &c. contra Prohibitionem nostram, &c. *Teste* J. de Metingham *apud* Westm. 26 *die* Febr. *Anno regni nostri* 21.

EDwardus, &c. *Vic.* Rutland. *salutem. Si* Robertus de Ruvill & *filius ejus fecerint*, &c. *pone*, &c. Alexandrum *Vicarium Ecclesiæ de* Bittlebrocks, *quod sit*, &c. *ostensurus*, quare secutus est placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Patrimonio contra prohibitionem nostram, &c. *Teste meipso apud* Novum Castrum *super* Tynam 29 *die* Sept. *Anno r. n.* 21.

EDwardus, &c. *Vic.* Oxon. &c. *Si* Henricus Durant, &c. *Pone*, &c. *fratrem* Rodulphum *Abbatem de* Dorkecestre, Radulphum *de* Sywe & Henricum *de Sancto* Edwardo, &c. quare tenuerunt placitum in Curia Christianitatis de catallis et debitis quæ non sunt, &c. contra Prohibitionem nostram. *Pone eciam* Thomam de Luche, &c. quare secutus est idem Placitum, &c. *Teste meipso apud* Westm. 23 *die* Maii. *An. regni nostri* 21.

EDwardus, &c. *Vic.* Leycestr. *Si* Robertus de Huntindon, &c. *Pone*, &c. Rogerum *Priorem de* Beluero, *&c.* quare tenuit placitum in Curia Christianitatis de catallis et bonis quæ non sunt, &c. contra Prohibitionem nostram. *Pone eciam* Willielmum de Kelm: *personam Ecclesiæ de* Helderby, Robertum Bacun, & *Magistr.* Willielmum de Fylinglye, *personam Ecclesiæ de* Bottlesford, quare secuti sunt idem placitum, &c. contra Prohibitionem nostram. *Teste meipso apud* Westm. 28 *die* Aprilis, *Anno regni nostri* 21. Besides others that are perished.

Moreover, in the Fragments of the Plea Rolls of *Hil.* 21 E. 1. in the Tower, I find these two Actions brought for holding and prosecuting suits in Court Christian against the Kings Prohibitions, besides those in the Plea Rolls of other Terms that year, which are putrified.

Placita de Term. Sancti Hillarii, in Turre Lond. An. 21 E. 1. coram Johanne de Metingham, &c. Rot. 17 Lond.

Johannes de Erlawe *attachiatus fuit ad respondendum* Adæ le Parmenter & Aliciæ *uxori ejus de placito*, quare tenuit placitum in Curia Christianitatis de catallis et debitis quæ non sunt de Testamento vel Patrimonio contra prohibitionem, &c. *Ac iidem* Adam & Alic. *die* Mercurii *proxima post festum Sancti* Barnabe *Apostoli*, *anno regni Regis nunc decimo octavo in Ecclesia de* Aldermarichirch *in Civitate* London. *in præsencia* Johannis Dyssel *senioris* & Johannis *fratris ejus*, Roberti de Dereby & Ricardi le Barbir *detulissent eidem* Johanni Regiam Prohibitionem, ne placitum illud ulterius teneret; ipse spreto mandato Domini Regis prædictum placitum coram ipso tenuit, prædictos Adam et Aliciam ab ingressu Ecclesiæ suspendendo, et postea excommunicando, &c. in contemptum mandati Domini Regis: unde dicunt, quod deteriorati sunt et dampnum habent ad valenciam biginti librarum, et inde producunt sectam suam, &c.

Essoniator

An. 21 *E.* 1. Ibidem, Rot. 38. Norht.

Eſſoniator Johannis de Burton *optulit ſe* 4. *die verſus Magiſtrum* Henricum de Naſſington, *Magiſtrum* Walterum de Wotton, *Magiſtrum* Thomam Cavele, Gilbertum de Evedon, Thomam de Ly, *&c. quare prædicti Magiſter* Henricus, *Magiſter* Walterus, *Magiſter* Thomas, *ſimul cum Magiſtro* Ricardo *perſona Eccleſiæ de* Stilton. tenuerunt placitum in Curia Chriſtianitatis de Laico feodo prædicti Johannis de Burton, *&c.* contra prohibitionem, &c. *Et ipſi non venerunt; & præceptum fuit Vicecomiti,* quod attachiaret eos, &c. *Et Vicecomes nichil fecit, ſed mandavit de prædictis Magiſtro* Henrico, Waltero & Thoma de Cavele, *quod Clerici ſunt.* Ideo mandatum eſt Epiſcopo Lincolniæ, quod venire faciat eos hic in craſtino Sancti Johannis Baptiſtæ, *&c.*

This year King *Edward* the 1. held his Parliament at *London* in *Eaſter Term,* to which he adjourned the * *premiſed* petition and complaint of *Macdulphus* againſt *John Bailiol* King of *Scots,* then ordered to appear in perſon to give his further anſwer to it; the proceedings in which cauſe are thus recorded in the Pleas of that Parliament.

* Here, p. 535, 536, 537.

**Sciendum eſt, quod Dominus Rex prius mandavit Domino Regi* Scotiæ *per literas ſuas, quod eſſet coram eo in Craſtino Sanctæ* Trinitatis *proximo præterito, ubicunque, &c. prædicto* Magdulpho *ſuper præmiſſis reſponſurus tunc. In inſtanti Brevi de Judicio eidem Regi* Scotiæ *inde dirigendo, loco verborum, ſcilicet,* Mandamus vobis, *inſerenda ſunt hæc verba,* Adjornamus vos, quod ſitis coram nobis, tali die, ubicunque, &c. ad reſpondendum prædicto *Magdulpho* ſuper præmiſſis, &c. & ad oſtendendum, quare non fuiſtis coram nobis in præfato Craſtino Sanctæ *Trinitatis,* prout vobis mandatum fuit. *Et quia ex querimonio prædicti* Magdulphi *Dominus Rex accepit, quod Rex* Scotiæ *ſuper terris & tenementis de* Rereis *&* Ereg. *quoddam iniquum reddi fecit judicium contra eum; per quod præſumatur, quòd ante judicium illud redditur recordum & proceſſus aliqua fieri debuiſſent;* Mandatum eſt eidem Regi Scotiæ, quod Recordum inde et Proceſſum habeat coram Domino Rege ad terminum ſuprædictum; *ut inſpectis Recordo & proceſſu ſupradictis,* fieri faciat partibus Juſtitiæ complementum.

Et ſciendum, quod quando aliquis querens vel appellans ſuper falſo Judicio de re aliqua in Curia Regis Scotiæ ſibi facto conqueratur ſuperiori Domino, vel appellet, mandabitur in hoc caſu Regi Scotiæ, quod Recordum et proceſſum loquelæ in Curia ſua inde habitæ coram Domino ſuperiori venire faciat certo die ubicunque, &c. Et ſi contingat quod ad Dominum Regem Angliæ, tanquam ad ſuperiorem Dominum regni Scotiæ per aliquem perveniat appellatio, ſive querimonia de re aliqua per Regem Scotiæ, ſive per Curiam ſuam eidem conquerenti injuſte (ut aſſeruerit) illata; propter quod Dominus Rex ſuperior mandaverit Regi Scotiæ, quod ad Curiam ipſius Domini ſuperioris, ad diem certum, inde veniat reſponſurus. Ad quem diem ſi Rex Scotiæ a caſu contigerit abſentare, et in proximo die ſequenti ſibi per ſuperiorem Dominum præfixo comparuerit, et contumaciam diei præcedentis purgare non poſſit: *Concordatum eſt,* quod idem Rex Scotiæ amittat cognitionem querelæ principalis, et inſuper ſit in miſericordia Domini ſuperioris, ad voluntatem ipſius Domini. Et hoc idem fiat, ſi non venerit ſecundo die contumaciam primæ diei purgaturus. Cumque etiam idem Dominus Rex Scotiæ in Curia ſuperioris Domini juri pariturus venerit, contumaciam ſuam in caſu prædicto purgare non potens, propter quod cognitio querelæ principalis Domino Regi debeat remanere; ac Rex Scotiæ ſibi impoſita ſuper principali negaverit, vel tanquam indefenſus teneatur, unde oportuerit habere verificationem; concordatum eſt, quod verificatio admittatur, et fiat per inquiſitionem Patriæ, per ſacramentum proborum et legalium hominum de viſneto, ubi facta fuerit tranſgreſſio, vel alio modo, ſecundum conſuetudinem Curiæ Anglicanæ, aut per legitima documenta. Quos quidem Juratores Inquiſitionis *(ſi Inquiſitio inde fieri debeat)* Vicecomes Domini Regis de Com. Northumbriæ, vel aliquis alius pro voluntate ipſius Domini Regis ad hoc deputandus, venire faciat coram Domino Rege, vel alio per ipſum Dominum Regem ad hoc aſſignato infra Angliam ſive Scotiam, ubi Domino Regi Angliæ placuerit, ad faciend. recognitionem prædictam.

Et ſciendum, quod nullum Eſſonium in toto proceſſu Regi Scotiæ, ſive querenti allocabitur in hoc caſu, ſed habeant Attornatum ſecundum conſuetudinem Curiæ Anglicanæ, ſi ſibi viderint expedire. Et ſi prædictus Rex Scotiæ ſuper diſſeiſina

* Placit. in Parl. Dom. E. Regis Angliæ in Termino Paſchæ An 21 E. 1. See Rylye, p. 152, 153, 154, 155.

An. 21 E. 1. ſina terrarum aut tenementa verſus prædictum Magdulphum aut alios per proceſſum temporis in caſu conſimili convictus fuerit; Conſideratur, quod Appellatores ſeu querentes in hoc caſu recuperent inde ſeiſinam ſuam eis per Dominum Regem Angliæ faciendam, una cum dampnis ſuis; Et Rex Scotiæ in miſericordia Domini Superioris ad voluntatem ipſius Domini: Et præterea, iidem appellantes ſeu querentes cadant in homagium et dominium Domini Regis Angliæ de eiſdem terris et tenementis; faciendo inde eidem Domino omnes conſuetudines et ſervitia debita, et ſimiliter de omnibus aliis tenementis quæ habuerunt infra regnum Scotiæ, eodem modo quo prius Regi Scotiæ aliquas conſuetudines et ſervitia facere conſueverunt, vel etiam facere debuerunt. Ita quod idem Rex Scotiæ nullum dominium ſive jurisdictionem aliqualem in perſonis, et tenementis eorundem appellantium aut querentium tota vita utriuſque ipſorum Regum, et appellantium et conquerentium obtineat. Hoc idem obſervandum eſt, *viz.* Quod omnes et ſingulí conquerentes ſive appellantes, qui verſus Regem Scotiæ de qualicunque aut quacunque injuria, per ipſum Regem aut Curiam ſuam eis illata, juſtitiam in Curia Anglicana ſuerunt aſſecuti, debent ſe de homagio conſ. et ſervitiis ſuis Domino Regi Angliæ, tanquam ſuperiori Domino attornare; Et eodem modo, quo prius inde Regi Scotiæ fuerunt reſpondentes, eidem Domino ſuperiori remaneant omnibus intendentes, ſicut ſuperius eſt notatum. Et ſi a caſu Rex Scotiæ convictus ſuper aliquo falſo Judicio; *Concordatum eſt*, quod Judicium illud reſcindatur, vel revocetur; et parti conquerenti ſive appellanti reſtituantur omnia dampna quæ ſuſtinuerunt occaſione ejuſdem Judicii. Et miſericordia vel pœna, quoad Regem Scotiæ verſus ſuperiorem Dominum, ſit arbitraria in hac parte. Et ſi Rex Scotiæ ſuper impriſonamento alicui per ipſum Regem injuſte facto, de quo facere noluerit vel non fecerit Juſtitiam conquerenti, et querimonia ſive appellatio ad ſuperiorem Dominum perbenerit, ſuper quo idem Rex Scotiæ in Curia Angliæ convictus fuerit, querens aut appellans in hoc caſu recuperet dampna ſua; et miſericordia ſeu pœna quoad Regem Scotiæ verſus Dominum ſuperiorem ſit arbitraria, ſicut ſupra.

Et ſciendum eſt, quod in omnibus præmiſſis habeant conquerentes ſive appellantes Protectionem Domini Regis Angliæ, *viz.* quendam Cuſtodem, qui eos in perſonis propriis, et familia ſua, terris et tenementis, redditibus et rebus aliis quibuſcunque infra Scotiam ad ipſos ſpectantibus, pendente appellatione ſive querimonia in Curia Anglicana conſerbet, defendat et protegat, ſi hoc petant: Quibus, ſi infra hujuſmodi cuſtodiam aliquid duritiæ vel injuriæ in læſionem protectionis prædictæ fuerit illatum, idem Rex Scotiæ et hæredes ſui homagia, et dominium hujuſmodi conquerentium ſive appellantium amittant, ac Regi Angliæ, tanquam Domino Superiori et hæredibus ſuis remaneant imperpetuum. Et nichilominus Rex Scotiæ in pœna vel miſericordia, ſicut ſupra. *The Writ of Summons to the King of* Scots.

Regi *Scotiæ* ſalutem. Cum nuper, dum eramus apud *Berewyk*, dediſſemus venerabili patri *W.* Epiſcopo S. *Andreæ*, & ſociis ſuis Cuſtodibus regni *Scotiæ* in mandatis, ut de terris & tenementis *Magdulphi* filii *Malcolmi* quondam Comitis de *Fiff*, de *Rereys*, & de *Crey*, de quibus per prædictum Epiſcopum, tunc Cuſtodem Comitatus de *Fiff*, conquerebatur ſe eſſe deforciatum injuſtè, ſibi juſtitiam exhiberent, & demum juxta formam Mandati noſtri prædicti per conſiderationem prædictorum Cuſtodum ſeiſinam terrarum & tenementorum hujuſmodi recuperaſſet, vos de eiſdem terris et tenementis injuſtè & ſine judicio diſſeiſiviſtis eundem, in ipſius damnum non modicum et gravamen; &, ne jus ſuum proſequeretur ulterius, feciſtis eundem carcerali cuſtodiæ mancipari, & tandem ſuper dictis terris & tenementis quoddam iniquum reddi judicium contra eum. Cumque poſtmodum à carcere liberatus vos requiſiviſſet inſtanter & pluries, *quod ipſum de jure ſuo curaretis audire, & ſuper petitione ſua quam faciebat de prædictis terris & tenementis ſibi facere jus & juſtitiæ complementum; offerens ſe paratum docere de prædicto jure ſuo, per literas & alia documenta*, vos omnia illa ſibi facere, contra jus et juſtitiam recuſaſtis (ut dicit.) Propter quæ prædictus *Magdulphus* à gravaminibus antedictis, necnon & à prædicto judicio, tanquam ab iniquo, & à juris defectu ſeu juris denegatione per vos ſibi factis, ad Nos, ut ad Superiorem ipſius regni Scotiæ Dominum, appellavit; petens et ſupplicans per nos, in veſtri deſectum, ſibi juſtitiam exhiberi,

ri, secundum quod (ratione superioris dominii quod in eodem regno habemus) ad nos dinoscitur pertinere. *Verum cùm justa petentibus non sit denegandus auditus, propter quod aliàs vobis mandaverimus per literas nostras quas penes vos habere credimus*, quod essetis coram nobis in Crastino Sanctæ Trinitatis proximo præterito, ubicunque tunc fuissemus in Anglia, præfato Magdulpho in præmissis responsuri, et in dicta causa appellationis (prout justum fuisset) processuri, facturi et recepturi quod justitia suaderet; vos coram nobis ad præfatum terminum non benistis ad præmissa facienda juxta formam mandati nostri vobis prius inde directi, de quo miramur quamplurimum et movemur. Et ideo adjornamus vos, quod sitis coram nobis a die Sancti Michaelis in 15 dies, ubicunque tunc fuerimus in Anglia, præfato Magdulpho super præmissis responsuri, et in dicta causa, prout justum fuerit, processuri, facturi et recepturi quod justitia suadebit. *Et ad ostendendum, quare non fuistis coram nobis in præfato crastino S.* Trin. prout vobis mandatum fuit. Et quia, sicut dictus *Magdulphus* asseruit, quod vos super dictis terris & tenementis quoddam iniquum reddi fecistis judicium contra eum, per quod præsumitur, quod ante judicium illud redditum, Recordum & processus aliqua indè debuissent procedi, Vobis mandamus, quod Recordum et Processum illa, cum omnibus ipsa tangentibus, coram nobis ad præfatum Terminum habeatis, ut eisdem Recordo et Processu inspectis, fieri faciamus partibus quarum interest Justitiæ complementum. *Et habeatis ibi hoc breve. Teste* G. de Thorneton, *&c.*

An. 21 *E.* 1.

The King of *Scots* not then appearing, he was thereupon resummoned to appear in Parliament in *Michaelmas* Term following; as *Placita Parliamentaria* thus further relate.

Dominus Rex mandavit Vic. Northumbriæ *per breve suum, quod cum ex gravi querimonia* Magdulphi *filii* Malcolmi *Comitis de* Fyff *acceperat, quod cum idem Dominus Rex nuper dum erat apud* Berewicum *super* Twedam, *dedisset venerabili patri* W. *Episcopo S.* Andreæ, *& sociis suis Custodibus regni* Scotiæ *in mandatis, ut de terris & tenementis* Macdulphi *prædicti de* Reriis, *de* Crey, *de quibus per prædictum Episcopum tunc Custodem Comitatus de* Fyff, *conquerebatur se esse deforciatum injustè, sibi justitiam exhiberent, & demum juxta formam mandati prædicti per considerationem prædictorum Custodum seisinam terrarum & tenementorum hujusmodi recuperasset,* Johannes *Rex* Scotiæ *de eisdem terris & tenementis injustè disseisivit eundem, in ipsius damnum non modicum & gravamen.* Et *ne jus suum prosequeretur ulterius, fecit eundem carcerali custodiæ mancipari, et tandem super dictis terris & tenementis quoddam iniquum reddi judicium contra eum. Et cum postmodum à carcere liberatus, prædictum Regem requisivit instanter & pluries, quod ipsum in jure suo curaret audire, & super petitione sua, quam faciebat de prædictis terris & tenementis, sibi facere jus & justitiæ complementum; offerens se paratum docere de prædicto jure suo per literas & alia legitima documenta;* Idem Rex omnia illa, et contra jus, et justitiam denegando facere recusabit. *Propter quod mandatum fuit Vicecomiti prædicto, quod prædicto Regi* Scotiæ *literas* Domini *Regis in propria persona sua deferret, sufficienti testimonio secum adhibito,* de adjornando ipsum Regem, essendi coram Domino Rege ad hunc diem ad respondendum prædicto Magdulpho super præmissis; *& ad faciendum & recipiendum alterius quod justitia requireret.* Et *modo venit prædictus Rex, & prædictus* Magdulphus *queritur, quod cum coram Episcopo prædicto & sociis suis Custodibus regni* Scotiæ *seisinam de terris & tenementis prædictis recuperavit, præfatus Rex de eisdem terris & tenementis injustè disseisivit eundem,* &c. (as before, p. 536.) *Et Rex* Scotiæ *dicit,* quod ipse est Rex regni Scotiæ, nec prædicto Magdulpho ad querelam suam, nec de aliquo regnum suum contingente ausus est respondere sine consilio proborum hominum regni sui. *Et præfatus* Magdulphus *petit judicium de ipso Rege tanquam de indefenso, ex quo præsens est in Curia Regis per adjornamentum ei factum per breve Domini Regis, quod cognovit se recepisse, nec aliquid ei respondet. Et super hoc dictum est eidem Regi* Scotiæ *per Dominum suum Regem* Angliæ, quod idem Rex Scotiæ est homo suus ligeus de prædicto regno Scotiæ, de quo fecit ei homagium et fidelitatem, et est coram eo hic adjornatus, quod respondeat vel dicat, quare nolit, vel non debet hic coram eo respondere. *Et idem Rex* Scotiæ *dicit sicut prius dixit,* quod de aliquo regnum suum contingente non est ausus, nec potest hic respondere inconsultis probis hominibus Regni sui: *Dictum est eidem, quod requirat alium diem ad consulendum si voluerit:* Qui *præcisè respondet,* Quod nullum diem requiret, nec

Placita coram ipso Domino Rege & Consilio suo ad Parliamentum suum post festum S. Mich. an. regni Regis Edwardi 1. 21. See Ryley p. 157, 158, &c.

An. 21 E. 1. aliquod adjornamentum hic admittet. *Et habito super hoc consilio & tractatu diligenti cum Archiepiscopis, Episcopis, Comitibus, Baronibus, Thesaurario & Baronibus de Scaccario, Justiciar. & caeteris de Concilio Clericis & Laicis tunc ibidem praesentibus; Concordatum est*, quod cognitio querelae principalis remaneat Domino Regi; et quod praedictus Rex Scotiae erga praedictum Magdulphum remaneat indefensus. *Et etiam quoad hoc quod idem Rex* Scotiae *coram ipso Rege dixit, quod non ausus fuit nec potuit hic respondere, inconsultis probis hominibus regni seu de aliquo regnum suum tangente, nec ad consulendum diem petere voluit, nec aliquod ajornamentum inde admittere, nec aliquid ostendere vel dicere pro se, quare hic respondere non deberet*; In elusionem et enervationem jurisdictionis superioritatis dominii sui, et laesionem Regiae dignitatis et Coronae suae, *pro eo quod se modo coram Rege in Curia sua non responsibilem in praemissis standi recto facit, contra hoc* quod alias coram Rege in Curia sua in petendo regnum Scotiae, et etiam in respondendo aliis jus vendicantibus in eodem, *& etiam in quibusdam jus vendicantibus in partem ejusdem respondit, & ibidem justitiae complementum recepit*: Et sic est contemptus manifestus et inobedientia expressa: *Consideratum est*, quod praedictus Magdulphus quoad imprisonamentum recuperet dampna sua versus Regem Scotiae tanquam indefensus, *ut praedictum est*, taxanda per discretionem Curiae. Et quod Dominus Rex inquirat secundum consuetudinem et usuagium patriae, si praedictus Macdulphus tenementa, de quibus modo querebatur se dissesiri, recuperavit in Curia Regis per judicium ejusdem Curiae, sicut dicit; *& postea per Regem* Scotiae *de eisdem dissesitus fuit sicut queritur, necne.* Et idem Rex Scotiae in misericordia. *Et quoad inobedientiam & contemptum Domino Regi facta ut praedictum est*; quia idem Rex Scotiae occasione posse suae regalitatis praemissa praesumpsit, et juri consonum est, quod quilibet puniatur in eo, quod ei praebet audaciam delinquendi. *Consideratum est similiter*, quod tria principalia Castra regni sui Scotiae cum billis in quibus eadem Castra sita sunt, cum jurisdictione Regali in eisdem, seisiantur in manum Domini Regis, et seisita remaneant quousque de contemptu et inobedientia praedictis eidem Domino Regi satisfecerit. *Postea venit praedictus Rex* Scotiae *ante pronunciationem praedicti judicii coram Domino Rege & Consilio suo*, et fecit Domino Regi quandam supplicationem ore suo propio per verba subscripta, *& eadem verba in quadam scedula scripta per manum suam porrexit, &c.* Sire jeo suy vestre home du Roialme Descoce, et bous prie, &c. (as before, p. 536, 537.) *Et Dominus Rex habito super hoc Consilio, ad rogatum praedictum praedicti Regis* Scotiae, *& etiam ad instantiam Procerum & Magnatum de Consilio suo*, et gratia sua speciali, *& similiter de consensu praedicti* Magdulphi, *concessit ipsi Regi* Scotiae supplicationem suam praedictam, et diem ei dedit ad Parliamentum suum post Pascham, *viz. in crastino S.* Trinitatis, *&c. in omnibus in eodem statu, quo nunc. Idem dies datus est* Magdulpho, *&c. Et per ipsum Dominum Regem* Angliae *dictum est praefato Regi* Scotiae *& injunctum, quod habeat ad praefatum terminum praedicta Brevia, quae cognoscit se recepisse, ut supradictum est, &c.*

Et sciendum, quod praedicta processus & Recordum per manus Gilberti de Roubery *liberantur* Gilberto de Thornton *& sociis suis, ut coram eis in eisdem procedatur, & partibus fiat justitia prout de jure & secundum consuetudinem Regni fuerit faciendum.*

The Abbot of *Redyng* of the Kings ancestors foundation, without consent of the major part of his Covent or of the King, alienating to the Archbishop of St. *Andrewes* the Priory of *May* in *Scotland*, which *David* King of *Scots* had setled on the Abbot, Covent and their Successors, to pray for the souls of him and his ancestors, to the prejudice and disinheritance of the King, as well as of the Abbey; the King of *Scots* refusing to do them justice therein, upon pretext, that the Archbishop of St. *Andrewes* had appealed to the Pope, the King the same year, as Superior Lord of *Scotland*, upon their appeal to him for Justice in this case, issued these two memorable Writs to the King of *Scots* to appear before him in *England* by a day, and ordered the Sheriff of *Northumberland* to summon him accordingly, to answer this his neglect of doing them right before the King, who would determine this case by his Soveraign authority.

Rot. Scotiae, An. 21 E. 1. m. 3.

REX, *&c.* Superior Dominus regni Scotiae, *dilecto & fideli suo* J. *eadem gratia Regi* Scotiae *illustri, salutem. Fratre* Alano de Eston. *& Magistro* Hugone de

de Saunford *Procuratoribus sive Attornatis Religiosorum virorum Abbatis & Conventus Monasterii* Radyng. *quod de elemosinis progenitorum nostrorum Regum* Angliæ *& nostris est fundatum, exponentibus ut accepimus, quod cum celebris memoriæ Dominus* David *quondam Rex* Scotiæ *prædecessor vester, Monasterium prædictum & Monachos ibidem tunc Deo servientes & successores suos de Prioratu de* May *cum pertin. Diocesis Sancti* Andreæ *infra regnum vestrum, per cartam suam in liberam, puram & perpetuam elemosinam feoffasset; Ita videlicet, quod iidem Monachi & successores sui Prioratui prædicto, per novem de Commonachis suis Sacerdotibus pro anima præfati Regis* David *& animabus prædecessorum & successorum suorum Regum* Scotiæ *divina celebrantibus imperpetuum, facerent deserviri, & præfati Monachi successoresque sui Prioratum prædictum cum omnibus suis pertin. per feoffamentum hujusmodi semper pacificè tenuissent, quousque quidam* Robertus de Burghgate *nuper Abbas Monasterii prædicti Abbatis Prioratum prædictum dissentiente majore & saniore parte Conventus sui,* Nobisque inconsultis, *venerabili patri* Willielmo *Episcopo* Sancti Andreæ *alienavit,* in nostri prædjudicium, et exhæredationem dicti Monasterii manifestam: *Cumque iidem procuratores sive attornati ad vestram præsenciam accesserint, & vos instanter & pluries requisierint, quod ipsos in jure prædictorum Abbatis & Conventus curaretis audire, & super peticione sua quam facibant de Prioratu prædictorum pertin. sibi facere jus & justicia complementum, offerentes se paratos docere de prædicto jure ipsorum Abbatis & Conventus in forma debita coram vobis, vos habito processu dintino super præmissis inter partes memoratas coram vobis,* prætextu cujusdam appellationis confictæ ab audiencia vestra per præfatum Episcopum ad sedem apostolicam interjectæ, cui minus provide, *ut dicitur,* detulistis, in ipso negocio ulterius procedere non curantes, eisdem procuratoribus sive attornatis audienciam in hac parte, contra justiciam denegastis; *propter quod iidem procuratores seu attornati nomine prædictorum Abbatis & Conventus,* a juris defectu, seu justiciæ denegatione, a vobis ad nos, ut ad superiorem ipsius Regni Scotiæ Dominum appellarunt, petentes et supplicantes per nos in vestri defectum sibi justitiam exhiberi. Juxta quod ratione superioritatis dominii quod in eodem regno habemus ad nos dinoscitur pertinere. *Cum igitur justa petentibus non sit denegandus auditus, & in exhibenda justitia simus omnibus debitores, vos adjornamus, quod sitis coràm nobis à die Sancti* Martini *proximo futuro in* 15. *dies, ubicumque tunc fuerimus in* Anglia, *responsurus prædictis Abbati & Conventui super præmissis, & facturus & recepturus quod justum fuerit, quem diem eisdem Abbati & Conventui assignavimus coram nobis,* ad faciendum et recipiendum similiter in eisdem quod justicia suadebit. *In cujus, &c. Teste Rege apud* Dunton. *secundo die* Septembris. An. 21 E. 1.

REX, *&c.* Superior Dominus Regni Scotiæ, *Vicecomiti* Northumbr. *salutem. Fratre* Alano de Eston, *& Magistro* Hugone de Saunford *Procuratoribus sive Attornatis Religiosorum virorum Abbatis & Conventus Monasterii* Radyng. *quod de elemosinis progenitorum nostrorum Regum* Angliæ *& nostris est fundatum, exponentibus accepimus, quod cum celebris memoriæ Dominus* David *quondam Rex* Scotiæ *Monasterium prædictum & Monachos ibidem tunc Deo servientes & successores suos de Prioratu de* May, *cum pertin. &c.* (verbatim as in the former Writ, to *pertinere.*) *Cum igitur præfatum* J. *Regem* Scotiæ *per literas nostras patentes quas sibi per te vel alios ad hoc sufficientes volumus præsentari,* adjornemus, quod sit coram nobis *à die Sancti* Martini *proximo futuro in* 15 *dies, ubicumque tunc fuerimus in* Anglia, *responsurus præfatis Abbati & Conventui super præmissis, & facturus & recepturus quod justum fuerit, quem diem eisdem Abbati & Conventui assignavimus coram nobis,* ad faciendum et recipiendum similiter in eisdem quod justicia suadebit: *Tibi præcipimus firmiter injungentes, quod prædictas literas nostras in propria persona tua præfato Regi deferas, & præsentes, sufficienti testimonio tecum adhibito, seu per alios ad hoc fidones quod præsentationem earundem literarum cum eidem Regi facta fuerit sufficienter testificari valeant, sibi deferri facias ac eciam præsentari. Qualiter autem hoc mandatum nostrum fueris executus, nobis prædictis die & loco per literas tuas distinctè & apertè certifices: Remittens nobis hoc breve. Teste ut supra.* Ibidem.

The like Writs in effect the King, as *Superior Lord of Scotland,* issued to the King of *Scots* and Sheriff of *Northumberland,* upon the complaint of the Bishop of

An. 21 *E.* 1. *Durham*, for refusing to do him Justice in his Court for certain Villages belonging to his Bishoprick, which he there demanded of him in a legal manner.

Rot. Scotiæ, An. 21 E. 1. nu. 36.

REX & Superior Dominus regni Scotiæ, *dilecto & fideli suo* J. *eadem gratia Regi* Scotiæ *salutem. Querelam venerabilis patris* A. Dunolmensis *Episcopi recepimus continentem, quod cum ipse villas de* Berewyk. *& de* Hadington *cum pertin. ut jus Ecclesiæ* Dunelmensis *à vobis petivisset, & cum magna instantia pluries vobis supplicasset*, quod ei inde in Curia vestra justiciam fieri faceretis; Vos id ei facere denegastis, et in justitia super hoc exhibenda totaliter defuistis, *propter quod idem Episcopus Nobis* ut superiori Domino regni *Scotiæ* cum instantia supplicavit, ut sibi super hoc in vestri defectum justiciam fieri faciamus. Nos igitur qui sumus et esse debemus, singulis de potestate et dominio nostro in exhibenda justicia debitores, *adjornamus vos quod sitis coram nobis in crastino Sancti* Johannis Baptistæ, *ubicunque tunc fuerimus in* Anglia, *præfato Episcopo super præmissis responsuri, & ulterius facturi & recepturi*, quod Curia nostra consideraverit in hac parte. *Et habeatis ibi hoc breve. Teste Rege apud* Cantuar. 21 *die* Aprilis.

Et mandatum est Vicecomiti Northumbr. *quod prædictas literas in propria persona sua præfato Regi deferat & præsentet, sufficienti testimonio secum adhibito, seu per alios ad hoc idoneos qui præsentationem earundem literarum cum eidem Regi facta fuerit sufficienter testificari valeant, sibi deferri faciat, ac etiam præsentari. Et qualiter hoc mandatum Regis fuerit executus, Regi prædicto die & loco per literas suas distincte & aperte certificet. Et hoc breve Regi remittat. Teste ut supra.*

Thus did King *Edward* the 1. as Superiour Lord of *Scotland* in that age, exercise a Soveraign authority in and over the King, Clergy and kingdom of *Scotland*, in causes and inheritances which concerned the Church, Clergy, or Religious persons, as well as in secular mens cases, notwithstanding any pretences, or Appeals to *Rome*, where Justice was delayed, or refused to them by the King of *Scots*, whereof there are sundry presidents in the *Patent* and *Plea Rolls* of *Scotland* in this and succeeding years, which I pretermit.

* See Placita Parliamentaria, An. 21 E. 1. Rylye, p. 157, to 166. 148.

In the Parchment Book and Collection of the Pleas and Petitions in the Parliament of 21 E. 1. in the Tower, I finde sundry memorable Judgements and Answers given in maintenance of the Kings Soveraign Ecclesiastical Jurisdiction, against divers encroachments on it. The first is upon the petition of *John de Waren*, who by vertue of the Kings Charter to him of Lands in *Wales*, claimed the custody of the Temporalties of the Bishoprick of St. *Asaph*, within his Seigneury of *Bromesfeld*, during the vacancy.

* Placita Parl. An. 21 E. 1. nu. 5. Ryley p. 119. De Com. Waren. petente custodiam terrarum de Episcopatu de S. Asaph spectantium, infra dominium de Bromesfeld existentium.

* Johannes de Waren. *Comes* Surrey & Sussex. *supplicavit Domino Regi, quod cum idem Dominus Rex terras de* Bromesfeld *cum omnibus suis pertinentiis eidem Comiti concessisset & dedisset, tenend. sibi & hæredibus suis*, cum omnibus juribus et libertatibus ad easdem terras pertinentibus, adeo libere et quiete sicut Domini terrarum illarum terras illas, antequam conquestebantur per ipsum Regem, tenuerunt. *Et cum Domini illi ante conquestum terrarum illarum* omni tempore vacationis Episcopatus de Sancto Asaph. custodiam omnium terrarum et tenementorum infra Dominium de Bromesfeld existentium, et ad prædictum Episcopatum pertinentium habuerunt et habere consueverunt. *Et cum sedes dicti Episcopatus jam sit vacans*, propter quod custodia terrarum et tenement. infra Dominium de Bromesfeld existentium, et ad Episcopatum prædictum spectantium, durante vacatione prædicta ad ipsum Comitem pertinet, prout ad alios Dominos de Bromesfeld hactenus pertinuit: quod Dominus Rex custodiam earundem terrarum et tenement. infra Dominium suum prædictum existentium, et ad Episcopatum prædictum spectantium, et quæ terræ et tenementa per mortem ultimi Episcopi loci prædicti relicta fuerunt in manum Domini Regis, sibi velit reddere, &c. Ad quam supplicationem per ipsum Dominum Regem et Consilium suum unanimiter est concordatum et responsum; Quod custodiæ omnium terrarum et tenement. ubicunque existentium, ad Episcopatus antiquos infra regnum suum existentium, tempore vacationis eorundem Episcopatuum ad ipsum Dominum Regem ratione Coronæ et Dignitatis suæ pertinent, ut de jure Coronæ suæ, et non ad alium, licet

licet terræ aut tenementa aliqua eisdem Episcopatibus pertinentia infra libertatem seu dominium aliorum fuerint seu extra; et licet Domini terrarum de Bromesfeld aliquo tempore vacationis Episcopatus prædict. custodiam terrarum et tenement. ad prædictum Episcopatum pertinentium, et infra dominium suum existentium usurpaverunt, et attraxerunt temporibus aliquorum Principum Wall. super ipsos Principes; Dominus Rex nunc per Conquestum suum terras de Bromesfeld, simul cum aliis terris et tenement. quæ Det auxilio conquestus est in partibus prædict. et quæ Principes Wall. tenuerunt, reperquisivit, et Coronæ suæ annexit adeo integre et plenarie, cum omnibus suis juribus et libertatibus, sicut terræ et tenementa illa Coronæ Angliæ annexa fuerunt, antequam in manus Principum Wall. devenerunt, et sicut cætera tenementa in regno ubicunque ad quoscunque Episcopatus pertinentia de eadem Corona tenentur; et de jure Coronæ et etiam de communi consuetudine regni, custodia omnium terrarum et tenement. quorumcunque Episcopatuum in regno existentium tempore vacationis eorundem Episcopatuum, ad ipsum Dominum Regem, et non ad alium in regno pertineat. *Et licet Dominus Rex concederet & daret prefato Comiti terras de Bromesfeld cum omnibus suis pertinentiis*; non tamen per hoc intelligendum est, quod Dominus Rex desit et libertates et jura ad Coronam et Dignitatem suam pertinentia, et quæ de Corona non poterunt seperari; veluti custodiam Episcopatuum seu terr. et tenement. ad Episcopatum pertinentium. *Et similiter quia Comiti* Glouc. *& aliis clamantibus nuper custodiam quarundam terrarum ad Episcopatum* Landaff. *existentium, & infra Dominium suum existentium tempore vacationis ejusdem Episcopatus ad se pertinere*, de communi consilio responsum fuit; Quod in custodia Episcopatuum tempore vacationis eorundem, seu terrarum et tenement. aliquorum ad eosdem Episcopatus pertinentium, licet infra Dominium suum existentium, nichil clamare potuerunt propter privilegium Regium et Coronæ dignitatem ad quam specialiter pertinet Episcopatuum vacantium custodia, dictum est prædicto Comiti Waren. quod ad istam suam Petitionem nichil sibi fiet plus quam aliis fiebat, quia de similibus simile est judicium. An observable Judgement in ratification of the Kings Prerogative over all Bishopricks both in *Wales* and *England* during their vacancies, incommunicable to any Subjects. *An.* 21 *E.* 1.

The second Judgement is that upon the Petition of the Earl of *Gloucester*, * Humfridus de Bohun *Comes* Heref. & Essex. *supplicavit Domino Regi, quod cum bonæ memoriæ* Thomas *Episcopus* Menevensis *ultimo defunctus, quædam Maneria de eodem Comite & infra libertatem suam de* Breghenough *tempore suo teneret*, quorum custodia ad ipsum Comitem durante vacatione sedis Episcopatus prædict. ratione terræ prædict. infra Dominium suum pertineat, *& quorum custodiam Ballivi ipsius Domini Regis in partibus illis in manum suam seisiverunt & tenent, in exheredationem ipsius Comitis*, quod Dominus Rex custodiam eorundem Maneriorum sibi reddere velit. *Propter quod Dominus Rex habito super hoc tractatu diligenti cum Consilio suo, per testimonium fidedignorum tàm de Consilio suo, quàm aliorum, intellexit, quod prædict. Episcopus dum vixit* omnino deadvocabit tam Maneria quæ sunt de Episcopatu prædict. *infra prædict. libertatem, quàm alibi ubicunque* de alio quocunque tenere, præterquam de Domino Rege et hæredibus suis ut de Corona. Et si Dominus Rex custodiam Maneriorum illorum quæ sunt infra libertatem prædict. Comitis prædict. ei unde liberaret, sic Ecclesiam prædictam quam idem Dominus Rex sede vacante in omnibus tenetur conservare illæsam, et jura et libertates suas contra quoscunque defendere, in servitutem redigeret; maxime cum præfatus Episcopus dum vixit Maneria illa de eodem Comite tenere deadvocavit. Et similiter, cum custodia Episcopatuum, Maneriorum et terrarum, et aliorum quorumcunque ad Episcopatus spectantium, ut de jure Coronæ, et ratione Prærogativæ et Dignitatis suæ ad ipsum Dominum Regem et non ad alium pertineat; Concordatum est, quod prædict. Comes quoad istam suam supplicationem nichil capiat; &c.

* Placita Parl. 6 E. 1. inter Ryley & Rot. de Petitione Com. Heref. de Custodia quorundam Maneriorum de Episcopatu Menevens. habenda.

The third, is the sentence given against the Bishop of *London*, who presuming in the presence of the Justices of the Kings Forest, and other Nobles at *Chelmesford* in *Essex*, to excommunicate *John de Pulesdon*, and those who kept company with him, and to take away a Writing under the Seal of the Official of the Archbishop of *Canterbury*, then produced by him in open Court to justifie himself, and declare the Bishops sentence void; who refused to restore it to him, though frequently required

An. 21 E. 1. red, to the manifest contemp: of the King and his said Court, was thus petitioned and proceeded against for this misdemeanor in the same Parliament.

* Placita Parl. An. 21 E. 1. nu. 6. Ryley p. 120, 121. Querela J. de Peuleſdon versus Episcopum London.

* *Magister* Johannes de Peuleſdon *queritur Domino Regi de hoc, quod cum ipse nuper primo die Itineris* Rogeri Extranei *& soc. suorum Justic. Domini Regis de Foresta, apud* Cheelmenford *in Com.* Essex. *in pace Domini Regis venisset, & coram eisdem Justic. se inter alios fideles Domini Regis opitulisset*, Richardus de Graneſhed **Episcopus** London. **ibidem in præsentia eorundem Justic. et aliorum Magnatum ad communem summonitionem ejusdem Itineris præsentium, publice denunciabit ipsum** Johannem **una cum secum communicantibus excommunicari: propter quod idem** Johannes **quandam literam sigillo Offic. Cur.** Cant. **signatam, quam penes se habuit, in plena Curia Regis ibidem porrexit capitali Clerico Justic. prædict. legendam, ad famam et statum suum clarificand. et ostendend. Curiæ et fidelibus Domini Regis ibidem existentibus, quod sententia prædicti Episcopi ipsum in nullo ligavit; quam quidem literam prælatus Episcopus statim de manu prædicti capitalis Clerici cepit et asportavit contra voluntatem ipsius** Johannis, **licet sæpius per ipsum** Johannem **ex parte Domini Regis inhibitum fuisset, ne prædicto Episcopo litera prædicta liberaretur, et etiam contra voluntatem prædicti capitalis Clerici, cum idem Clericus ipsum Episcopum sæpius rogavit, quod prædictam literam ei tradere et rehabere faceret: in contemptum Domini Regis et Curiæ suæ prædict. manifestum, et etiam ad dampnum ipsius** Johannis **non modicum et grabamen**, &c.

Et præditus Episcopus venit & defendit, **quicquid est in contemptum Domini Regis et Curiæ suæ prædict.** *Et bene cognoscit, quod præditus* Johannes *prædict. die in præsentia Justic. prædict. quandam literam porrexit & tradidit capitali Clerico Justic. legendam: sed dicit, quod litera illa lecta non fuit. Immo ipse incontinenti postquam litera illa in manum dicti Clerici devenit*, **cepit literam illam penes se.** *Et quia inspecta litera illa*, **eadem litera sibi ipsi per Offic.** Cantuar. **dirigebatur, ad quandam Officium suum tangentia exequenda, idem Episcopus literam illam penes se retinuit, et adhuc retinet:** *Et profert eandem literam in pleno Consilio. Qua lecta & audita*, **manifeste patet, quod eadem litera ipsi Episcopo dirigebatur per Offic. Cur.** Cantuar. *unde dicit, quod eo quod litera illa ipsum tangebat, intellexit*, **quod absque contemptu Domino Regi, seu injuria aliqua alicui alio faciendo bene potuit eam penes se retinere.** *Et super hoc idem Episcopus quæsitus*, **Utrum prædicta litera in prælata Curia Domini Regis per prædictum** Johannem **porrecta fuit prælato Clerico legenda, ad famam et statum ipsius** Johannis **clarificandam, an si tradita eidem Episcopo per prælatum** Johannem **Clericum, ut idem Episcopus literam illam executioni demandaret?** *Dicit*, quod porrecta fuit præfato Clerico Justic. legenda, & quod ipse de manu ipsius Clerici eandem literam cœpit. *Quæsitus etiam*, si prædictus Clericus Justic. vel etiam si præfatus Magister *Johannes* aliquo tempore postea ipsum Episcopum rogarunt, quod literam prædictam sibi liberaret & rehabere faceret? *Dicit revera*, quod bene intendit, quod de hoc & per Clericum Justic. & per prædictum Magistrum *Johannem* rogatus fuit. **Et quia dictus Episcopus expresse cognoscit, quod prædicta litera in plena Curia Domini Regis coram prælatis Justic. porrecta fuit, et Clerico eorundem Justic. ad legendum tradita: et idem Episcopus literam illam antequam lecta fuit, de manu prædicti Clerici cepit et secum asportavit, et hucusque detinuit: nec idem Episcopus dicere potest, quin litera illa porrecta fuit legenda ad famam et statum prædicti Magistri** Johannis **clarificandam, et non ut idem Episcopus ratione illius literæ sic porrectæ aliquid quod ad officium suum pertinuit tunc exequeretur:** *Et etiam*, **quia idem Episcopus similiter cognovit, quod prædictam literam detinuit postquam per prælatos Clericos ab eo petitum fuit, quod illam eis liberaret et rehaberé faceret. Et hoc manifestius patet per hoc, quod literam illam hic secum detulit. Et sic contemptum expresse fecit Domino Regi et Curiæ suæ prædict. tam in hoc, quod literam prædict. de manu Clerici Justic. prædict. cepit antequam legeretur, contra voluntatem prædict. Magistri** Johannis **illam liberantis, qualitercunque ipsi Episcopo dirigeretur, cum non fuit porrecta ibidem ad officium ipsius Episcopi exercendum; quam in hoc, quod literam illam detinuit postquam petitum fuit ab eodem per Clericum Justic. a quo illam in plena Curia cepit quod illam ei restituerit. Consideratum est, quod prædictus Episcopus remaneat pro transgressione prædict.**

ad

ad voluntatem Domini Regis puniendus. Et Dominus Rex penes se ipsum poenam illam retinet infligendam. *Et similiter*, Dominus Rex vult et praecipit, quod praedicta litera praedicto Magistro Johanni liberetur. Et quod quicquid per praedictum Episcopum aut suos in dampnum et praejudicium praedicti Magistri Johannis factum fuerit aut attemptatum contra tenorem literæ praedict. in aliquo, a tempore quo eadem litera in manu praedicti Episcopi (ut praedictum est) devenit, in quo praedicta litera eidem Johanni prodesse potuit aut valuisse, si litera illa penes ipsum Johannem remansisset, omnino annulletur. Et hoc per Dominum Regem eidem Episcopo dictum est, &c. *Postea Dominus Rex ad Parliamentum suum post festum Sancti* Michaelis *eodem anno*, ipsi Episcopo praedict. transgres. de gratia sua speciali totaliter remisit. *Ideo ipse inde quietus & habeat literam acquietanciæ.* *An.* 20 *E.* 1.

By this it is apparent, how contemptuous this Bishop in that age was to the King, his Temporal Courts and Judges, and how insolent, oppressive, vexatious to the Kings people.

The fourth is this memorable case, upon the Petition of *Richard de Glouncester*, for violating the priviledge of the Kings Palace, Court, by serving a Bishops citation on him therein, against the priviledge and dignity of his Crown, *&c.*

* Richardus *de* Glouc. *Persona Ecclesiæ de* Chepingnorton, *qui sequitur pro Rege*, queritur Domino Regi de hoc, quod cum nulli liceat praeterquam Senescallo et Marescall. dicti Domini Regis aliquem in Palatio seu in Hospitio Domini Regis summonire vel attachiare ad respondend. alicui de Placito aliquo, *& idem* Richardus *ad* Curiam Domini Regis *nuper accessisset*, ad remedium sibi impetrandum super quadam enormi transgressione *sibi facta per Magistrum* Willielmum de Chirington *Clericum de* Canc. *ipsius Domini Regis, & alios Ministros Domini Regis; praedictus Magister* Willielmus *die Jovis prox. post festum Translationis beati* Thomæ *Martyris prox. praeteritum apud* Cantuar. infra Hospitium Domini Regis ibidem, *viz.* in Capitulo Prioratus Sanctæ Trinitatis, eidem Richardo quandam literam citatoriam in praesentia plurimorum fidedignorum de Consilio Domini Regis ibidem tunc existentium porrexit, et ipsum citabit, quod compareret certis die et loco coram Offic. de Arcubus London. ad respondend. super quibusdam in eadem litera contentis, in contemptum Domini Regis mille Marcarum, et contra privilegium et dignitatem Coronæ suæ, &c. Cum in praesentia Regis omnes fideles sui et de pace sua existentes debeant pace gaudere, &c. * Plac. Parl. An. 21 E. 1. nu. 9. See Ryley, p. 126, 127.

Et Magister Willielmus *venit & defendit quicquid est in* Contemptum Domini Regis, et contra privilegium et dignitatem Coronæ suæ: *Et benè cognoscit*, quod ipse praedicta die et Anno, et loco quandam literam per Offic. praedict. praedicto Richardo directam detulit et ei liberabit, sed quod hoc in contemptum Domini Regis non fecit, nec aliquid facere intellexit, quod in aliquo cedere posset contra privilegium et dignitatem Coronæ, paratus est se acquietare qualitercunque Domino Regi placuerit; *Supplicat etiam Domino Regi, quod ad hoc si placet habere velit respectum:* Quod praedictus Richardus non est de Consilio, de Familia, aut Hospitio Domini Regis, per quod tali privilegio gaudere posset, licet in Hospitio Domini Regis fuisset ut extraneus, nec per ipsum Regem aut aliquem de suis vocatus. *Et etiam ad hoc*, quod praed. Offic. est Minister praedict. Ecclesiæ Sanctæ Trin. et de Ecclesia illa omnem suam habet authoritatem, nec praed. Magister Willielmus intendit, quod fuit intentionis Domini Regis, quod libertas Ecclesiæ praedictæ in aliquo minueretur per ejus praesentiam. *Per quod videtur ipsi Magistro* Willielmo, quod licet aliqua citatio praed. Richardo aut alii facta fuisset in praedicta Ecclesia, bene et licite posset fieri, cum Ecclesia illa potius libertate sua in se ipsam gaudere debeat quam in locis remotioribus. *Postea per transcriptum praedictæ literæ quam praedictus Magister* Willielmus *detulit praed.* Richardo *manifestè patet*, quod quam cito idem Richardus literam illam admisisset, quod incontinenti citaretur. Et quia praedictus Magister Willielmus cognovit, quod praedictam literam tradidit praedicto Richardo praedict. die et loco et infra hospitium Domini Regis, dictum est eidem Magistro Willielmo, quod non recedat a Curia, priusquam Dominus Rex super hoc sibi dixerit voluntatem suam.

By which Case, compared with that of the *Prior of Trinity* and *Bago de Clare* [a] *forecited*, it is apparent: First, that the serving of any Bishops or Officials citation [a] Here, p. 405, 406.

An. 21 *E.* 1. tion on any person, though not of the Kings Houshold, who resorts to the Kings Court to complain of injuries, and desire justice, not only in his own Royal palace, but whereever he resides in person with his Court, is an high contempt and offence against the Kings Crown and Dignity, even when and where there is no Parliament sitting, (as there was none at this time and place) as well as when and where a Parliament sits. Secondly, That Sir [b] *Edward Cooke*, and Mr. [c] *Elsing* were much mistaken, in the Case of the *Prior of Trinity* and *Bogo de Clare*, in asserting, that they were fined and sent to the Tower for breach of the Priviledge of Parliament, by serving a Citation on the Earl of *Cornwall*: when as their fine and imprisonment (as appears by that Record, and is more fully evidenced by this) was only for their contempt against the King, in serving a Citation within his Royal Palace, where no man ought to be cited, nor arrested for any cause by any Officer, but only by the Kings Steward or Marshall, as I have [d] *elsewhere* largely evidenced.

b 4 Instit. p. 24.

c Manner of holding Parliaments, p. 144, 145.

d The fourth Part of a Brief Register, &c. p. 819, to 828. 1189, to 1190.

The Fifth and most memorable case in this Parliament, is that of *John de Roman* Archbishop of *Yorke*; for his high misdemeanor and usurpation upon the Kings Crown and Dignity, in presuming the * *year before*, to excommunicate *Anthony Bek* Bishop of *Durham*, whiles attending on the Kings person and service in the Northern parts, for his and his Servants imprisoning two of his Clerks for bringing a Citation to summon the Bishop to appear before him, and refusing to release them upon his Monitions and Interdicts, for which he was after long debate and consideration adjudged to be imprisoned, and forced to pay a Fine of 3000 Marks to the King, as this Record informs us.

* See here, p. 456, 457, Placita Parl. An. 21 E. 1. nu. 17, 18. Ryley, p. 135, &c.

De Archiep. Eborum de eo quod excommunicari fecit Episcopum Dunelm. pro eo quod Ballivi sui ceperant quosdam nuntios ipsius Archiepiscopi & imprisonaverant apud Dunelm.

Johannes *Archiepiscopus* Eborum *attachiatus fuit* ad respondendum Domino Regi, *de placito*, quare cum placita de imprisonamento et aliis transgressionibus in regno Regis contra pacem Regis factis, ad Regem et Coronam et Dignitatem suam specialiter pertineant, Idem Archiepiscopus per Johannem *Priorem de* Bolton *in* Cravene Commissarium suum, in venerabilem patrem Antonium *Episcopum* Dunelm. dum nuper in partibus Borealibus in obsequio Regis *juxta latus suum per* præceptum ipsius Regis sub protectione sua extitit, *pro eo, quod Ballivi ejusdem Episcopi* Willielmum de Wrleton & Johannem Romayne *apud* Dunolm. *inventos* ceperunt et imprisonaberunt, Excommunicationis Sententiam, in Regis Contemptum, et Coronæ et Dignitatis suæ læsionem, et contra reverentiam Regi in hac parte debitam, fecit fulminari, et Sententiam illam executioni demandari, *sicut ex relatu plurimorum fidedignorum accepit Rex.* Propter quod idem Rex tantum contemptum et tantam irreverentiam sibi illata transire impunita sustinere non valens, maxime cum tam ipse Rex quam prædictus Episcopus quantum in ipso fuit præfatis Villielmo et Johanni de Imprisonamento prædicto celeris justitiæ complementum, juxta regni consuetudinem, semper fuerunt parati exhibere, &c. Et unde Dominus Rex per Richardum de Bretenil, *qui sequitur pro eo dicit*, *Quod prædictus Archiepiscopus die* Mercurii *prox. ante festum S.* Jacobi *Apostoli, anno vicesimo apud* Derlington, & *die* Jovis & *die* Dominica *sequentibus apud* Alverton, et in pluribus aliis locis Diocæsis suæ *per prædictum* Johannem *Priorem de* Bolton Sententiam Excommunicationis in dictum Antonium Episcopum nuper in partibus Borealibus in obsequio Regis, juxta latus suum per præceptum ipsius Regis, et sub protectione sua existentem, pro eo, quod Ballivi ejusdem Episcopi Willielmum de Wrleton, & Johannem Romayn *apud* Dunelme inventos ceperunt et imprisonaverunt, secerit fulminari, et sententiam illam executioni demandari, in Regis Contemptum, et Regiæ Dignitatis læsionem, et contra reverentiam Regi in hac parte debitam, in despectum ipsius Regis 20. Will. librarum. *Et hoc offert verificare* pro Domino Rege, &c.

Et Archiepiscopus venit & defendit omnem Contemptum, & totum, &c. Et *dicit*, quod ipse nichil fecit in contemptum Regis, nec contra dignitatem suam, nec fuit intentionis suæ aliquid facere sive attemptare contra Regiam Jurisdictionem. *Et dicit*, quod de sententia a Canone lata et per ipsum declarata, in Curia Domini Regis non debet respondere. Set tamen salva libertate Ecclesiæ suæ ob reverentiam Domini Regis bult plane factum suum, et veritatem facti illius declarare, & *non uti exceptionibus neque cavillationibus. Dicit enim*, quod prædictus Episcopus est Suffraganeus et subjectus suus, et tenetur obedire mandatis suis Canonici, et quod pro

pro eo, quod ei obtemperare noluit ut debuit in Canonicis mandatis; misit Clericos suos, *viz. praedictos* Willielmum & Johannem ad citandum praedictum Episcopum comparend. coram eo ad certos diem et locum inde responsurus. *Qui quidem Clerici capti fuerunt & detenti apud* Dunelm. *per ipsum Episcopum & Ministros suos.* Ita quod mandatum ipsius Archiepiscopi canonicum non fuit executum. *Propter quod* praedictus Archiepiscopus ut Pater filio, et Superior subjecto, et ut ille qui juxta Officii debitum ad correctionem animæ debet operari, ad salutem animæ tantum, et non ad pœnam pecuniariam sive aliam, monuit praedictum Episcopum quod hujusmodi Clericos canonica mandata deferentes liberaret, et pristinæ libertati restitueret, vel causam ei significaret, quare hoc facere non deberet. *Qui quidem Episcopus illos nec deliberavit, nec causam significare curavit.* Propter quod praedictus Archiepiscopus ipsum iterato monuit, ut praedicta faceret sub pœna suspensionis. *Et praedictus Episcopus* iterato inobediens hujusmodi facere omnino recusavit, inobedientiam suam multiplicando. *Et praedictus Archiepiscopus tertio monuit praedictum Episcopum*, ut sibi, in praedictis mandatis Canonicis obediret sub pœna declarationis Sententiæ in eum a Canone latæ, propter hujusmodi manifestam Ecclesiasticæ libertatis læsionem, et inobedientiam. Et praedictus Episcopus animo indurato tertiò mandatis Archiepiscopi Canonicis non obtemperabit, propter quod incidit in sententiam a Canone latam, et ipse Archiepiscopus secundum quod officio suo incubuit, non in praejudicium Regiæ jurisdictionis, Privilegii sive Dignitatis, declarationem praedictæ sententiæ debito modo sub tenore sequenti pronunciari praecepit, &c. **Johannes* permissione divina *Eborum* Archiepiscopus, *Angliæ* Primas, dilecto in Christo filio Priori de *Bolton* salutem, gratiam & Benedictionem. Cum dudum venerabilem fratrem Dominum *A. Dunelm.* Episcopum Suffraganeum nostrum primò sufficienter & legitimè monuerimus, ac moneri fecerimus, quod *Johannem de Amelia* auctoritate Apostolica Notorium publicum; & *Willielmum de Worleton* dictum de **Pyk*. Clericos nostros, quos ad suam praesentiam quam in Ecclesia *Dunelm.* juxta sita Canonum reperiri credimus, cum nostris & Officialis nostri literis Mandata Canonica continentibus, destinaverimus, quousque *Johannes de* †*Madeston* Constabularius *Dunelm.* & sui Complices teperant & fecerant carcerali custodiæ mancipari, *ipso Episcopo hoc mandante, vel quod suo nomine factum fuerat ex post facto ratum habente*, liberaret & liberare faceret, ac restitui pristinæ libertati, dictis Clericis super violentia nobis Ecclesiæque nostræ *Eborum* de injuria & contemptu commissis pro facto hujusmodi satisfaceret competenter. *Set dicto Episcopo monitis hujusmodi parere & ea facere negligente, seu penitus non curante, debitæ obedientiæ & salutis suæ propriæ nusquam memor, eidem Episcopo per nostras alias Literas sub pœna sententiæ suspensionis ab ingressu Ecclesiæ, quam in eum in scriptis protulimus, si mandatis nostris omiserit obedire*, ut dictos Clericos nostros, quos in carcere suo in Castro *Dunelm.* captivos notoriè detinebat, liberaret & permitteret illæsos abire; Eisque, nobis & Ecclesiæ nostræ prædict. pro commisso hujusmodi satisfaceret competenter & satisfieri procuraret. *Ac ipse Episcopus commissam inobedientiam multiplicans, & velut Aspis à voce incantantium aures suas opturans, mandata sibi legitimè destinata obaudiens, dictos Clericos non liberavit, set captivos detinuit sicut prius. Propter quod tertiò eidem Episcopo nostris dedimus literis in mandatis, quod sub pœna Sententiæ Excommunicationis quam in scriptis in personam ipsius protulimus, Justitia exigente, si mandatis nostris ultra contemptibiliter duxerit resistendum*, quod sæpedictos Clericos de Captivitate hujusmodi liberaret, eosque liberè abire permitteret, eisdem, nobis & Ecclesiæ nostræ, *quos notoriè contra* Deum *& justitiam ac debitam obedientiam, & animæ ipsius salutem constiterit offendisse, juxta juris exigentiam satisfaceret competenter.* Verum dictus Episcopus, ut videtur, à fide recedens quæ debita obedientia roboratur, cum non nisi per inobedientiam scisma in Dei Ecclesia generetur, ac testante beato *Gregorio*, sola obedientia est quæ fidei meritum possidet, sine qua quisquis infidelis convincitur, etiamsi fidelis esse videatur; *mandatis nostris obedire contemptibiliter vilipendens*, memoratos Clericos infra terminum ad liberand. sibi per nos juxta qualitatem negotii legitimè deputatum, nullatenus liberavit; *set in Cleri opprobrium, totius Ecclesiasticæ disciplinæ contemptum, dictorum Clericorum, nostri & Ecclesiæ nostræ præjudicium & gravamen, eisdem post mandata nostra totiens, ut prædicitur, multiplicata, captivos sicut prius carceri detinuit diutiùs mancipatos*, licet per remedium Curiæ secularis secundum Legem regni, non ali-

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* See Claus. 20 E. 1. dors. 2. Brevia Regis An 20 E. 1. and Here. p. 456, 457.

* Pykering.

† Maydenston.

An. 21 *E.* 1. cujus noſtri authoritate mandati eos denuo deliberaſſet. *Propter quæ non eſt dubium Epiſcopum antedictum in dictas Suſpenſionis & Excommunicationis ſententias, ut præmittitur, rite latas merito incidiſſe.* Et quia nichil obedientia prodeſſet humilibus, ſi contumacia contumacibus non obeſſet; Nos volentes per Cenſuram Eccleſiaſticam ac ipſius executioni, quæ ab omnibus Catholicis eſt timenda, ipſius Epiſcopi culpis exigentibus pariter & offenſis legitimè procedere contra eum, *ut cæteris devotis Eccleſiæ filiis innoteſcat dampnabilis ſtatus ejus, ne ſua communicatione peſtifera grex ulterius inficiatur Dominicus, utque quem Dei timor à malo non revocat, hunc ſaltem cohibeat cobercio Eccleſiaſticæ diſciplinæ, & rubore confuſus ad ſatisfactionem veniæ & debitam obedientiam compellatur*; Vobis auctoritate noſtra committimus, ut contra memoratum Epiſcopum ad declarationem ſententiarum prædict. ac executionem ac puplicationem earum ſic debito procedatis, quod veſtram debeamus induſtriam merito commendare: *Denunciationes & puplicationes per vos vel per alium deputand. à vobis in Eccleſiis de* Alverton & Derlington, *ac aliis locis ſolempnibus noſtræ provinciæ quibus competentius poteritis* Epiſcopum antedictum in dictas Suſpenſionis et Excommunicationis ſententias incidiſſe, et eas (ut præmittitur) incurriſſe. Ad quam executionem faciend. & omnia & ſingula ipſam contingentia ſecundum quod de jure fuerit faciend. ac eciam procedend. vobis plenam committimus poteſtatem. Et qualiter, &c. *Unde ſicut prædictus Archiepiſcopus per nuntios ſuos Clericos & miniſtros Eccleſiæ mandata ſua licita & canonica prædicto Epiſcopo tanquam Suffraganeo & ſubjecto ſuo deſtinavit. Ac idem Epiſcopus ſalutis ſuæ immemor in* obediendo eidem Archiepiſcopo ut Superiori et mandata ſua canonica contempnendo, Nuncios, Clericos et Miniſtros ipſius Archiepiſcopo, et Eccleſiæ ſuæ prædictæ, arreſtari fecit et incarcerari. *Et ſuper hujuſmodi inobedientia, Contemptu & tranſgreſſ. pluries per ipſum Archiepiſcopum eſſet amonitus, ut per Superiorem ſuum*, qui curam habuit et cujus interfuit ſubditi ſui hujuſmodi delicta corrigere et caſtigando emendare, ut prædictos inobedientiam, contemptum et tranſgreſſionem faceret emendare, vel cauſam facti ſui ei ſignificaret; *Qui quidem Epiſcopus nec emendas inde facere curavit, nec cauſam facti ſui ſignificare: videbatur eidem Archiepiſcopo*, quod contra ipſum tanquam contra ſubditum ſuum contumacem inobedientem Tranſgreſſorem, et Mandatorum ſuorum canonicorum contemptorem ſine Regis offenſa debite potuit et debuit procedere in forma prædicta. *Et quoad hoc quod ei imponitur*, quod fulminari præcepit ſententiam in prædictum Epiſcopum dum fuit in ſervitio Regis per præceptum ſuum juxta latus ſuum et ſub protectione ſua; *Dicit, quod in hoc in nullo deliquit, eo quod eo tempore quo ſententia lata fuit, fuit ipſe Archiepiſcopus in partibus tranſmarinis. Nec continetur in mandato ſuo, quod prædictus Prior hujuſmodi ſententias & denuntiationes pronunciaret, niſi in locis debitis, in quibus competentius illas facere potuit*, ſine offenſa Juris, ſive Regis privilegio. *Et videtur quod ei imputari non debet, ſi prædict. Prior fines Mandati ſui exceſſit; unde dicit*, quod per præmiſſa perpendi poteſt, quod non pupliçavit ſententiam in ipſum Epiſcopum pro eo, quod Ballivi prædicti Epiſcopi ceperunt et detinuerunt prædictos Clericos, ſicut Breve Domini Regis requirit; Immo propter inobedientiam ipſius Epiſcopi manifeſtam. *Et conſideratis præmiſſis & ponderatis juxta intentionem ſuam & officii ſui debitum in forma prædicta, ſupplicavit Domino Regi*, quod ei et Eccleſiæ ſuæ prædictæ fiat Juſticia cum favore et gratia in hac parte, &c.

Et Richardus de Bretenill *qui ſequitur pro Rege dicit*, *Quod prædictus Epiſcopus* Dunelm. *habet duos ſtatus*, viz. Statum Epiſcopi quoad Spiritualia, *& Statum Com. Palatii quoadtem. ſua temporalia. Et dicit, quod licet prædictus Archiepiſcopus ei præcipere poſſit*, & Canonica mandata ſua ſibi tranſmittere in his quæ ad Eccleſiam ſuam pertinent, et Inobedientias et Peccata Subditorum ſuorum corrigere et emendare; Et idem Epiſcopus hujuſmodi præceptis ſuis et mandatis teneatur ut Superiori ſuo obedire; et prout prædictus Archiepiſcopus dicit; *Tamen quantum ad ea quæ ad feoda Temporalia*, quæ de Domino Rege tenet, ſpectant, et in quibus tranſgr. quæcunque factæ ad ipſum Regem, ſive ad Epiſcopum prædictum nomine Regio pertinent, audire et emendare; prædictus Archiepiſcopus ratione officii ſui Spiritualis nullam habet ſeu habere poteſt juriſdictionem; unde, deſicut prædictus Archiepiſcopus cognovit quod Laici Miniſtri ipſius Epiſcopi qui Temporalium rerum et ten. ſuorum habuerunt adminiſtrationem, prædictos Cleri-

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cos ceperunt, et in Castro ipsius Episcopi imprisonaverunt; Cujusmodi imprisonamenti cognitio ad Dominum Regem ratione dignitatis Regiæ, et non ad alium nisi ex Regia concessione, mere pertinet; Ac idem Archiepiscopus ipsos sic incarceratos per Censuram Ecclesiasticam liberare, et de injuriis et trangressionibus factis eisdem emendas fieri præcepit, maxime cum hujusmodi imprisonati suum habent recuperare in Curia Regis et habere debent ibi, et non alibi, *de injuriis & dampnis quæ sustinuerunt pro injusto Imprisonamento unusquisque pro se, eo quod hujusmodi delicta sunt personalia, tam in personis delinquentibus, quàm in personis injuriam patientibus, nec etiam dedicere potest*, quin prædictus Prior Commissarius suus in prædictum Episcopum sub protectione Regis jurta latus suum de præcepto Regis in servitio suo existentem, in Contemptum Regis, et contra Coronam et dignitatem Regiam (ut præd. est) sententiam fulminavit, &c. pro eo quod prædictus Episcopus prædictos, &c. sic incarceratos per Laicos Ministros suos in ten. temporali deliberare, et dampna eisdem de Imprisonamento prædicto satisfacere noluit, et sic in bijs quæ ad Coronam et dignitatem Regiam pertinent, tanquam Judex temporalis Jurisdictionem quam non habuit nec habet exercuit, petit Judicium de cognitione ipsius Archiepiscopi. *Dies datus est prædicto Archiepiscopo &* Richardo de Bretenil *qui sequitur pro Rege à die* Paschæ *in* Tres Septimanas *coram Domino Rege ubicunque, &c. Postea à die* Paschæ *in* Tres Septimanas *venit prædictus Archiepiscopus* coram Rege et ejus Consilio; *Et idem Archiepiscopus quæsitus*, Si quid plus velit dicere, vel aliud dicere sciat quàm prius dixit; *Dicit*, quod prædictus Episcopus *Dunelm.* duplicem Statum habet, unum viz. *Temporalem* quoad Baroniam quàm tenet de Rege, & alium *Spiritualem*, de quo ei tenetur in obedientia. Et *dicit*, quod ratione Temporalitatis non debet ei minus obedire in Spiritualibus. Et quia prædicti Clerici sui capti fuerunt & imprisonati per Ministros ipsius Episcopi quos miserit tantummodò ad mandata canonica deferenda, ac idem Episcopus contemptuosè mandatis suis Canonicis disobediendo ad monitionem suam eosdem Clericos deliberare non curavit, videbatur ei, quod sententiam in quam à Canone incidit ex hoc facto in ipsum declarare potuit, & similiter promulgare. *Quæsitus, si prisona illa in qua Clerici illi detinebantur, sit prisona pertinens ad Baroniam ipsius* Episcopi, *an ad Spiritualitatem? Et si imprisonati quicunque & in prisona illa detenti deliberari debent & consueverunt per Ministros ipsius* Episcopi, *secundum legem & consuetudinem Regni? Dicit*, quod non potest dedicere, quin infra Castrum quod est de Baronia sit Prisona illa, & quod ibidem fuerunt imprisonati: Et quod quicunque ibidem imprisonati deliberari debent & consueverunt per Laicos Ministros ipsius Episcopi secundum Legem & Consuetudinem Regni. *Quæsitus etiam, si prisona illa tempore vacationis* Dunelm. *sit in custodia Domini Regis, sive in custodia Custodis Spiritualitatis? Dicit*, Quod in Custodia Regis; set semper, ut dicit, quod quacumque prisona detinebantur, ex quo Clerici sui fuerunt, & Canonica mandata deferentes (ut prædictum est) & per ministros sui Suffraganei capti, videbatur ei quod ad mandatum suum debuit eos deliberasse. Et hoc ad ipsum pertinuit eidem Suffraganeo suo demandare ratione obedientiæ sibi debitæ. Et *quia prædictus Archiepiscopus in propria persona sua manifestè cognoscit, quod* Episcopus Dunelm. *duplicem habet Statum, scilicet, Spiritualem & Temporalem; Et quod ad Statum illum Temporalem Incarcerationes & Imprisonamenta per Ministros ejusdem Episcopi pertinent facienda, & etiam deliberationes prisonum quorumcunque ad Ministros ejusdem* Episcopi *ratione Temporalitatis ejusdem, secundum legem & consuetudinem Regni; Et quod Prisona in qua detinebantur est infra Castrum quod est pertinens ad Baroniam; in qua quidem Prisona prædicti prisones detinebantur; Et hoc idem Archiepiscopus ore propria sufficienter fatetur dicendo, quod tempore vacationis prisona illa ratione Baroniæ & temporalitatis prædictæ, est & esse debet in custodia Regis, & non in custodia Custodis Spiritualitatis*; Et *similiter in Litera prædicti Archiepiscopi, quam cognovit & advocavit, expresse continetur*, Quod prædicti Prisones capti fuerunt per Constabularium & Laicos Ministros ipsius Episcopi, Custodes prædictæ Prisonæ, & in absentia ipsius Episcopi; *& ex præmissis clarè sequitur, quod idem Archiepiscopus per literas suas, quas per vices diversas præfato* Episcopo *mandavit, qualitercunque illas modo nititur roborare, ratione alicujus obedientiæ Spiritualis*, intendebat artare ipsum Episcopum ad deliberandum prædictos prisones, nullo respectu habito ad personas eorum per quos capti fuerunt, maxime cum essent Laici et Ministri

An. 21 E. 1. nistri Temporalitatis, vel ex qualicunque causa capti fuerunt, aut in cujusmodi prisona detinebantur, vel ad quem deliberatio eorum pertinebat; Quæ quidem deliberatio ad Dominum Regem ratione dignitatis Regiæ, sive illis quibus per Regiam dignitatem talis libertas concessa est, tantummodo pertinet secundum legem et consuetudinem regni, et non ad alium ratione alicujus Spiritualitatis.

**Nota.* * Videtur Domino Regi in pleno Parliamento suo prædict. Com. Baron. Justic. et similiter toti Consilio ipsius Domini Regis, quod prædictus Archiepiscopus, quantum in ipso fuit, nitebatur occupare et usurpare super Coronam Regiam et Dignitatem in casu isto deliberationis imprisonatorum, contra legem et consuetudinem regni, et contra fidem in qua eidem Archiepiscopus Domino Regi et Coronæ suæ astringitur, ad exhæredationem Domini Regis et hæredum suorum manifestam. Propter quod per Com. Baron. Justic. et omnes alios de Consilio ipsius Domini Regis unanimiter concordatum est, quod prædictus Archiepiscopus committatur prisonæ pro offensa et transgressione prædictis. Et super hoc ante Judicium pronunciatum, licet unanimiter de Consilio prædict. Magnatum et aliorum concordatum fuisset tenend. in hoc casu, et similiter in casibus consimilibus imperpetuum, *predictus Archiepiscopus*, Magnates, et alios de Consilio ipsius Domini Regis rogabit, quod pro eo Dominum Regem requirerent, *ut ante pronunciationem Judicii ipsum ad gratiam suam admitteret & voluntatem suam.* Et Dominus Rex ad instantiam eorundem Magnatum, de gratia sua speciali, hoc idem ipsi Archiepiscopo concessit. Et *idem Archiepiscopus humiliter supplicat*, quod possit de omnibus præmissis alto et basso voluntati Domini Regis se submittere. Et *Dominus Rex ad instantiam predict. Magnatum, admittit ipsum juxta petitionem suam ad voluntatem, &c.* Et *dictum est eidem Archiepiscopo sub gravi forisfactura*, quod non recedat à Parliamento isto, donec super præmissis Domini Regis audierit voluntatem, &c. *Postea venit predict. Archiepiscopus*, et fecit Finem cum Domino Rege pro transgressione prædict. pro quatuor millibus Marcarum per Scriptum suum obligatorium, in hæc verba. Noverint universi, quod nos *Johannes* permissione Divina *Eborum* Archiepiscopus, *Angliæ* Primas, tenemur Serenissimo Principi Domino *Edwardo*, Dei gratia Regi *Angliæ* illustri, Domino *Hiberniæ* & Duci *Aquitaniæ*, in quatuor millibus Marcarum, de quibus coram ipso Domino Rege ad Placita sua in *Rotulis* suis ibidem, & etiam in *Scaccario* ipsius Domini Regis fit mentio solvendarum eidem pro suo beneplacito voluntatis. Ad quarum solutionem faciend. obliganus nos et omnia bona nostra per quæ distringamur prout Domino Regi placuerit, ad eandem. Ad quod faciendum hos fidejussores invenimus, viz. venerabilem fratrem nostrum Dominum *J. Karl.* Episcopum, Magistros *Henr.* Decanum *Eborum*, *Willielmum* Archidiaconum *Eborum*, *Johannem* Archid. *Estrithing*, & *Willielmum* Archid. *Not.* In cujus rei testimonium sigillum nostrum, unà cum sigillis prædict. Fidejussorum nostrorum præsentibus est appensum. Dat. apud *Westm.* die *Mercurii* prox. ante festum *Pentecost.* Anno gratiæ, 1293. &c.

Nota.

In which memorable Case and Judgement, we may observe; First, the Bishop of *Durhams* and his Officers high contempts of the Archbishops Citations, Admonitions, Suspensions, Excommunications, and of the priviledge of his Clerks, whom they apprehended and detained in prison notwithstanding their Orders, for endeavouring to serve a Citation on the Bishop. 2ly. The Archbishops high offence against the Kings Crown and Dignity, in presuming to enforce the Bishop and them to release his imprisoned Clerks by his own Ecclesiastical Censures of Interdict & Excommunication, not by the Kings processe and authority, according to the Law and Custom of the Realm. 3ly. The Archbishops justification of this his usurpation to the uttermost, and his demurrer to the Kings and Parliaments Jurisdiction to question or judge him for it. 4ly. That for any Archbishop or Prelate to excommunicate any person in the Kings service, or attending on his royal person by his command, and under his protection, or any other for Temporal affairs, is a very high contempt, offence against, and usurpation upon the King, his Crown and Dignity, tending to the Kings and his heirs disinheritting, by the unanimous resolution of the King, and of all his Nobles, Barons, Judges, Counsil in this Parliament: which they adjudged to be punished not only then, but in all succeeding ages, by imprisonment of the persons of such Archbishops, Bishops, and others who should be found guilty thereof; and also

by

by great fines and ranſoms to the King. 5ly. That this Archbiſhop was then adjudged to be committed Priſoner to the Tower, notwithſtanding his Pall; and enforced to enter into a Recogniſance with Sureties, to pay a fine of 4000 marks to the King, notwithſtanding his inſiſting on his Archiepiſcopal Priviledges, and the Nobles mediation on his behalf; a great ſum in that age; the Kings Solicitor declaring his Majeſty was damnified thereby no leſs then 20000 pounds, which he muſt have paid, had not his ſubmiſſion and the Lords mediation prevented the penalties of the Judgement againſt him. *An.* 21 E. 1.

The ſixth and ſeventh are theſe two Judgements given againſt the Prior of *Bridlington*, and this Archbiſhop of *York*, in the ſame Parliament, who was ordered to appear before the King and his Counſil, to anſwer his fraude and offence againſt his Oath and Allegiance to the King, for buying a debt of 300 *l.* (owing by the Prior and Covent of *Bridlington* by bond to an exiled Jew of *York*, confiſcated to the King by the common baniſhment of the Jews out of *England*) after his exile at *Paris*, in his return from *Rome*; and enforcing this Prior by his Order in his Viſitation of the Monaſtery, to pay the 300 *l.* to one of his own Vallets as the Jews Attorney; for which miſdemeanors both the Prior and Archbiſhop had Judgement given againſt them by the King and his Counſil, as theſe Records inform us.

* *Prior de* Bridlington *allocutus coram ipſo* **Domino Rege et ejus Conſilio**, *de hoc, quod cum quidam* Bonamy *nuper* Judæus Ebor. *mutuaſſet eidem Priori treſcentas libras ſterlingorum ſolvend. eidem* Judæo *ad Gulam Auguſti anno regni Regis nunc viceſimo; & idem* Judæus *ante terminum prædictum*, **per commune exilium Judæorum de iſto regno erularet**, *per quod prædictum debitum ſimul cum omnibus aliis bonis quæ fuerunt ejuſdem* Judæi, *& omnium aliorum* Judæorum *in* Anglia, *& quæ in regno remanſerunt* **poſt eorum exilium** *in quorumcunque manus fuerint, ipſius Domini Regis catalla fuerint, & ipſi Domino Regi reddi debuiſſent. Prædictus Prior debitum quod fuit & eſt catallum Domini Regis, ad terminum ſtatutum ipſo Domino Regi non ſolvit, nec ipſum Dominum Regem aut ſuos inde præmunit, immo totaliter concelavit, detinuit, & adhuc detinet*, **in læſionem fidei ſuæ qua Domino Regi tenetur, et ad grave dampnum ipſius Domini Regis**, &c.

* Placita Parl. An. 21 E. 1. nu. 13. Ryley p. 131, 132. De Priore de Bridlington.

Et Prior bene cognoſcit, quod prædeceſſor ſuus immediatus pecuniam prædictam de prædicto Judæo *mutuavit, termino præfato ſolvendam. Et quod ipſe ratione mutui illius adhuc ad ſolutionem pecuniæ illius tenetur; ſet dicit, quod* Johannes *Archiepiſcopus* Ebor. *qui nunc eſt, in tertia ſeptimana Quadrageſ. prox. præterit.* **Domum ſuam de** Bridlington, *prout ad officium ſuum pertinet*, **viſitavit**, *& inter cætera* **in viſitatione ſua ibidem inventa**, *quæ ſunt de debitis Domus in quæ idem Prior, & quibus, & pro quo tenebatur. Ita quod tunc invenit, quod Domus prædicta prædicto* Judæo *indebitabatur in pecunia prædicta.* **Et ſtatim in Capitulo ſuo Priori injunxit**, quod pecuniam illam ſolverit cuidam Valetto tunc ibi præſenti, ad feſtum Nativitatis beatæ Mariæ proximo ſequens; *Quem Valettum idem Archiepiſcopus dicebat eſſe Attornatum præfati* Judæi: *Et ipſe Prior*, prout ratione obedientiæ ſuæ tenetur, præcepto præfati Archiepiſcopi obedivit, et eandem pecuniam tunc ſolvere promiſit. *Et quia idem Prior cognoſcit, quod prædicta pecunia prædicto* Judæo *debebatur, nec ei ſolvebatur* **ante exilium Judæorum**, *& quicquid remanſit de eorum debitis aut catallis in regno* **poſt eorum exilium, Domini Regis fuit**: *Conſideratum eſt*, quod Dominus Rex recuperaret pecuniam prædictam, ut catalla ſua, verſus prædictum Priorem. *Et dictum eſt eidem Priori, quod non exeat à Villa priuſquam Domino Regi de prædicta pecunia ſatisfecerit.* Et quia prædictus Archiepiſcopus prædicto Priori injunxit, *quod Catalla Domini Regis prædict. Valetto ſolveret*, ad dampnum Domini Regis. *Et ſimiliter, quia Dominus Rex intellexit quod Archiepiſcopus prædict. quoddam Scriptum obligatorium, per quod præfatus Prior prædict.* Judæo *tenebatur in debito prædicto*, contra fidem Domino Regi debitam, et ſacramentum fidelitatis ſuæ emit aut perquiſivit, ad elongandum Dominum Regem de catallis ſuis prædict. et ſibi appropriand. malitioſe: *Præceptum eſt Vicecomiti* Ebor. *quod venire faciat prædictum Archiepiſcopum* coram Domino Rege *die Sancti* Michaelis *in* 15. *dies, ubicunque*, &c. ad reſpondendum Domino Regi de deceptione prædicta, &c. *Et ſimiliter, quod prædictum Scriptum (ut dicitur) remanet in cuſtodia Abbatis Sanctæ* Mariæ Ebor. *aut Prioris Sancti* Andræi Ebor. *Ideo præceptum eſt*

An. 21 E. 1.

* Placita Parl. An. 21 E. 1. nu. 25. Ryley p. 172, 173. De Johanne Archiepiscopo Ebor. concelante catalla Judæi.

Vic. prædict. quod venire faciat eosdem Abbatem & Priorem ad terminum prædict. ad respondend. de Scripto prædicto.

In pursuit hereof, * *Præceptum fuit Vic.* Ebor. *quod venire faceret hic ad hunc diem*, viz. *à die Sancti* Michaelis *in* 15. *dies* Johannem *Archiepiscopum* Ebor. *ad respondend. Domino Regi de hoc, quod cum Prior de* Bridlington *& ejusdem loci Conventus per Scriptum suum obligatorium tenebantur cuidam* Bonamy *quondam* Judæo Ebor. *in trescentis libris sterlingorum certis terminis solvendorum*, et idem Judæus per commune exilium Judæorum de regno isto ante solutionem prædictæ pecuniæ sibi factæ expulsus, prædictus Archiepiscopus de Curia Romana rediens apud Parisios, *cum prædicto* Judæo *conventionem & mercatum faciens, prædictum debitum quod fuit & est catallum Domini Regis ab eo emit*, et postea in visitatione sua ad Prioratum prædictum facta, eidem Priori et Conventui per obedientiam injunxit, quod pecuniam prædictam cuidam Galetto ipsius Archiepiscopi, aut nuntio prædicti Judæi certo termino solverent, contra fidelitatem in qua Domino Regi tenentur, et in alienationem pecuniæ Domini Regis, ad dampnum ipsius Regis mille librarum, &c.

Et prædictus Archiepiscopus modo venit, & super facto prædicto coram Rege et Consilio suo arenatus, *expressè dicit*, Quod nunquam cum prædicto *Judæo* aliquam conventionem fecit seu Mercatum de pecunia prædicta sibi adquirenda; *sed revera dicit*, quod in visitatione sua ad domum prædictam invenit, & per Priorem & Conventum ejusdem domus sibi ostensum fuit, quod domus illa indebitabatur prædicto *Judæo* de prædicta pecunia. Et idem ad salvationem animarum suarum, prout tenebatur, eidem Priori et Conventui dixit, Quod pecuniam illam sana conscientia retinere non possent; et quod sic facerent, quod animas salvarent; set quod nunquam eis injunxit, quod pecuniam illam sibi aut alii nomine prædicti Judæi solverent, *paratus est se acquietare, si placuerit Domino Regi & ejus Consilio. Et Dominus Rex super hoc de gratia sua speciali, & ad instantiam Magnatum de Consilio suo, licet per patriam de jure inquirere posset veritatem præmissorum, concessit prædict. Archiepiscopo, quod in fide qua ei tenetur; veritatem præmissorum fateretur & cognoscat. Et idem Archiepiscopus in fide*, &c. *fatetur & dicit*, Quod in veniendo de Curia Romana apud Parisios, *benè audivit & intellexit per prædictum* Judæum, *quod prædicta pecunia ei debebatur, & quod idem* Judæus *tum rogavit, ut ei pro Deo esset in auxilium ad prædictam pecuniam suam recuperandam. Et postea, ut prædictum est*, in visitatione sua ad domum prædictam, *hoc idem invenit per confessionem prædict. Prioris & Conventus, & eis dixit*, Quod sic facerent, quod animas suas salvarent. *Et quia idem Archiepiscopus bene cognoscit*, quod post exilium prædicti Judæi et aliorum Judæorum de regno isto, *à prædicto* Judæo *intellexit, quod pecunia prædicta sibi in regno isto debebatur*, et post eorum exilium omnia quæ sua fuerunt, et in regno isto remanserunt, tam debita quam alia bona quæcunque, ipsi Domino Regi remanserunt et bona sua fuerunt. *Et super incorinenti* post eorum exilium solennis Proclamatio fiebat per totum regnum; Quod omnes qui debita aliqua alicui *Judæi* debebant, aut de eorum debitis, bonis & catallis aliquid sciebant, Domino Regi aut alicui de Consilio suo scire facerent. De qua quidem Proclamatione nullus dicere potest, quin scivit aut scivisse debuit. *Et idem Archiepiscopus de debito prædicto scivit prout fatetur, tàm per* Judæum *quàm per Priorem & Conventum, nec de hoc Domino Regi aut alicui de suis constare fecit*; Immo debitum illud concelando, et a Rege alienando, contra fidem qua Regi tenetur, injunxit præfat. Priori et Conventui quod animas suas salvarent, quod tantum valuit quantum si dixisset, quod Judæo satisfacerent. Concordatum est, quod prædictus Archiepiscopus remaneat in misericordia Regis pro concelamento et transgressione prædictis, &c. Et idem Dominus Rex sibi ipsi reservat taxationem illius misericordiæ.

By which Record it is apparent: 1. That all the *Jews* were directly and professedly banished out of *England* by King *Edward* the 1. and his Parliament. 2ly. That all their Houses, Debts, Goods and Chattels left in *England* after their exile, belonged of right to the King. 3ly. That this their banishment, and forfeiture of their Debts, Goods thereby, was published by the Kings Proclamation throughout the Realm, of which all men did or ought to take notice, being thereby required to discover all Debts, Goods and Chattels due unto them, without any concealment;

cealment; yet * Sir *Edward Cooke* (who cites these two Records in his Commentary upon the Statute *de Judaismo*) confidently averres; *The truth is*, **the Jews were not banished out of the Realm by Authority of Parliament**, *as some are of opinion, and as it is said in some of our Historians; but that their Usury was banished by that Act, and that was the cause that they banished themselves into Foreign Countries, that they might live by their Usury:* Whereas these two Records no less then 8. times expressly record **their banishment out of England**, and above one hundred other Records, as well as all our Historians.

An. 21 E. 1.

* 2 Instit. p. 507, 508, 509.

These two Judgements against this Archbishop in Parliament, did so perplex and humble him, that he * *dyed* soon after on the 5. of *March* 1295.

* See Thomas Stubbs Actus Pontif. Eborac. col. 1728.

8ly. In this Parliament it was resolved by the Kings Justices and Counsil, upon the Petition of the Prior of *Bermondesey*; 1. That the King by his Prerogative Royal shall present to all Vicaridges, Parsonages, and Benefices belonging to Religious Houses or Bishopricks, during their vacancies. 2ly. That an Abbots, Priors, or Bishops presentation of a Clerk to a Benefice in his life time, if he dye before the Clerks institution and induction, makes no plenarty against the King, but that he may and shall by his Prerogative present another Clerk thereto, as this Record resolves.

* *Prior de* Bermundesey *qui nunc est, monstravit Domino Regi, Quod cum quidam* Henr. *Prior de* Bermundesey, *predecessor suus immediatus, tempore suo presentasset quendam* Galfridum de Wytebbery *ad Vicariam de* Camberwell, *que est de Advocatione dicti Prioratus, & idem* Galfridus *presentationem illam prosecutus fuisset, ac antequam institutionem in Vicariam prefatam haberet, prefatus Prior predecessor suus diem clausit extremum. Propter quod custodia dicti Prioratus post mortem prefati* Henr. *quondam Prioris*, &c. *ratione vacationis ejusdem in manum Domini Regis devenit; ratione cujus custodia idem Dominus Rex ad eandem Vicariam quendam Clericum suum presentavit.* **Quæ quidem præsentatio Domini Regis cedit in præjudicium et exhæredationem dicti Prioratus, qui est de Advocatione Domini Regis.** *Et supplicavit, quod Dominus Rex presentationem illam velit revocare*, &c. *Et super hoc in pleno Consilio, habito inde tractatu diligenti; quia per Record. Cancellarii, Justic. & aliorum de Consilio compertum est*, **Quod Dominus Rex et progenitores sui ratione Prærogativæ suæ fuerunt et sunt in seisina præsentandi ad Ecclesias, Vicarias, et alia Beneficia quæcunque ad quascunque Domus Religionis seu Episcopatus spectantia, tempore vacationis earundem Domorum et Episcopatuum nomine custodiæ in manu sua existentium: Dum tamen idem Dominus Rex Ecclesias, Vicarias, seu Beneficia illa vacua et inconsulta invenerit tempore quo hujusmodi Episcopatus seu Domos in manum suam seisierit ratione prædict.** *Et quia in supplicatione predicti Prioris continetur, quod predecessor suus ad prefatam Vicariam presentavit*, **et antequam præsentatus ille in eandem institueretur, idem Prior prædecessor diem clausit extremum:** *Nec dici poterit*, **quod prædicta Vicaria plena fuit et consulta tempore obitus prædicti Prioris prædecessoris per præsentationem suam, seu tempore quo custodia dicti Prioratus in manum Domini Regis devenit. Concordatum est, quod Dominus Rex præsentationem suam ratione Prærogativæ suæ (ut præfertur est) ad prædictam Vicariam habeat, et quod præsentatus suus ad eandem admittatur, non obstante præsentatione per præfatum Priorem mortuum tempore suo facta**, &c. *Et dictum est Episcopo* Winton. *loci Diocesano*, **quod ad præsentationem Domini Regis ad præfatam Vicariam admittat**, &c. This is one of the first Judgements I have observed in this point, since frequently resolved in our † *Year-books*.

* Placita Parl. An. 21 E. 1. nu. 23. Ryley p. 165. De Priore de Bermondsey calumpniante præsentationem ad Vicar. de Camberwell.

† See 18 E. 3. 21. a. 24 E. 3. 29. b. 34. b. 25 E. 3. 67. a. 38 E. 3. 4. a. 9. a. 43 E. 3. 14. a. 44 E. 3. 3. 11 H. 4. 9. a. 22 H. 6. 27. a. 33 H. 6. 24. 21 E. 4. 34. b. 28 H. 8. 3. a. Fitz. Quare Imped. 11, 35. Brook Quare Imp. 65. Dyer f. 1. b. 217. b. Fitz. Natura Brevium 34. k. Cooks 7 Report 26. a.

What a fray and murder happened this year, between the Arehbishop of *Dublins* and Bishop of *Elies* men, comming from the consecration of *William* Bishop of *Bath* and *Wells*; what numerous trains of Servants they then had, and how peremptorily the Bishop of *Ely* refused to deliver to the Kings Justices or Counsil the names of his Servants, Steward, or Marshal then with him, when they murdered one of the Archbishops Servants, in high contempt of the King and publick Justice, this Record in the Parliament of 21 E. 1. will inform us.

* Placita Parl. An. 21 E. 1. Ryley p. 156. Kanc. Recordum missum Regem per J. de Berewyk de Itinere Kanc. de Contentione inter Archiepisc. Dublin. & Episc. Elien.

* Johannes *Archiepiscopus* Dublin. & Willielmus *Episcopus* Elienſis *in veniendo de* Cantuar. *de consecratione* Willielmi Bathon. & Wellen. *Episcopi, hospitati fuerunt in villa de* Newton. *Et cum quidam de familia predict. Archiepiscopi lusissent in Regia*

An. 21 E. 1. *Regia strata juxta hospitium ubi prædict. Archiepiscopus hospitatus fuit, venit quidam* garcio *de familia dicti* Episcopi Elienſis *transiens per familiam ipsius Archiepiscopi equitando quendam equum; & quem quidem* garcionem *ipsi de familia prædict. Archiepiscopi prostraverunt de equo prædicto, & ipsum verberaverunt & malè tractaverunt. Quod quidem factum videns quidam* Robertus le Wayte, *vigilator ipsius* Episcopi, *cornavit post socios suos & alios de familia ipsius* Episcopi. *Ita quod* viginti et quinque homines *de familia ipsius* Episcopi *exierunt ab Hostitio* cum Arcubus et Sagittis, et insultum dederunt prædictis hominibus de familia prædicti Archiepiscopi; *Quibus prædicti homines de familia ejusdem Archiepiscopi resistebant, & inter se pugnaverunt; Ita quod ipsi de familia prædicti* Episcopi *per vim fugaverunt omnes de familia ejusdem Archiepiscopi ad hospitium ejusdem. Et cum ingressi fuissent portam ubi hospitati fuerunt, quodam* Waltero de Polsted *Cissore ipsius Archiepiscopi de foris existente, quem quidam* Richardus de Nottingham *unus de familia ipsius Episcopi sagittavit quadam sagitta, unde 17. die postea inde obiit. Et omnes prædicti viginti & quinque de familia prædicti Episcopi quorum nomina ignorantur, excepto* Richardo de Nottingham, *simul cum* Roberto le Wayte, *statim post factum redierunt ad hospitium prædicti Episcopi à quo exierunt. Et postea in crastino in aurora diei prædictus Episcopus recessit à prædicta Villa de* Newton, *simul cum omnibus prædictis viginti & quinque, excepto prædicto* Richardo de Nottingham, *qui statim post factum fugit. Et quia compertum est per Rotulos Coronatorum, & per 12. Juratores quod prædictus* Robertus le Wayte, *& alii de familia prædicti Episcopi quorum nomina ignorantur, & de nominibus quorum non potest inquiri per aliquos de hundredo isto, eo quod extranei, & fuerunt in forcia & auxilio ubi prædictus* Walterus *occisus fuit, & quod exierunt ab hospitio ejusdem Episcopi tanquam familiares & de manupastu ejusdem, & post prafatam feloniam factam redierunt & cum ipso abierunt, ut prædictum est. Et Vic. testatur, quod idem Episcopus nihil habet in Com. isto per quod potest attachiari. Ideo præceptum est Vicecomitibus* London. quod attachient eum, &c. *quod sit apud* Grenewicum *die* Mercurii *prox. post festum Sancti* Andreæ *Apostoli ad respondend. &c.*

Postea ad diem illum venit prædictus Episcopus: Et dictum est ex parte Regis, quod certificet Justic. de nominibus famulantium qui secum venerunt in prædict. Villa de *Newton*, excepto *Richardo de Nottingham. Qui quidem Episcopus dicit,* quod ipse est membrum Sanctæ Ecclesiæ, et quod non licet ei aliquos in tali casu accusare, eo quod cedere posset in crimine sanguinis, &c. *Et iterum dictum est ex parte Domini Regis,* quod certificet eisdem Justic. de nominibus Senescal. et Marescal. sui, qui tunc secum fuerunt in prædicta Villa de Newton: Et eodem modo quo prius respondit. *Et iterum requisitus,* si omnes qui tunc secum fuerunt in prædicta Villa adhuc sunt secum necne? *dicit,* quod ignorat: (strange Prelatical undutiful insolent answers:) *Et quia compertum est, quod prædictus* Robertus le Wayte *simul cum aliis de familia ipsius Episcopi qui fuerunt in vi & auxilio prædicta mortis post factum redierunt ad hospitium prædicti Episcopi de quo exierunt, & in crastino cum eodem Episcopo abierunt, & de nominibus eorum non potest per homines istius Com. inquiri:* Et idem Episcopus prædictos Justic. de nominibus eorundem, nec de nominibus Marescal. et Senescal. non vult certiorare: *Datus est ei dies coram Domino Rege apud* Westm. *die* Lunæ *in crastino Sancti* Nicholai, per manucaptionem *viz.* Radulphi de Sandewyk, *Magistri* Richardi de Abyndon, Petri de Leyborn, Simonis de Elesworth, Willielmi Howard, & Richardi de Cosefeld.

Ad quem diem venit prædictus Episcopus coram Domino Rege & ejus Consilio; Et quia Justic. prædict. &c. sun. in Com. Kanc. *prædicto jam terminaverunt & clauserunt, nec prafatus Episcopus juxta legem & consuetudinem regni de receptamento hominum suorum, qui fuerunt in forcia & auxilio ad prædict. feloniam faciend. prout superius praesentatum est, tenetur respondere priusquam principalis factor illius felonia de felonia, & similiter alii qui fuerunt in forcia & auxilio, debito modo convincantur: Dictum est per Dominum Regem prafato Episcopo,* quod inveniat bonos manucaptores, qui eum manucapiant, ut habeant corpus ejus ad respondendum de receptamento prædict. ubi et quando debebit, et Domino Regi placuerit, &c. *Et super hoc* Rogerus le Estraunge, Willielmus le Latymer, Robertus Malet, Petrus de Channer, Gocelinus de Baddelesmere, Osbertus de Spaldington, Simon de Ellesworth, & Willielmus de Charleton, *manuceperunt eundem Episcopum* Elienſem *in forma prædicta.*

How

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Prynne, William,

Antiquae Constitutiones Regni Angliae Sub Regibus Joanne, Henrico Tertio, Et Edoardo Primo, Circa Jurisdictionem Et Potestatem Ecclesiasticam Ex Archivis Regiis in Turri Londinensi fideliter Collectae

Londini 1672

2 J.can.p. 203-1
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